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Filed in the office of the Secretary of State at Columbus, Ohio, on the 22nd day of April, A. D. 1929.

CLARENCE J. BROWN,  
*Secretary of State.*

File No. 99.

April 22, 1929.

\* Hon. Clarence J. Brown,  
Secretary of State,  
Columbus, Ohio.

My Dear Mr. Brown:

An examination of House Bill No. 74, 88th General Assembly, reveals that the title of said bill purports to amend and the repealing clause of said bill to repeal two sections of the General Code of Ohio that do not exist, to wit, sections 710-17a and 710-140(b).

The subject matter contained in the portions of the bill so designated is that incorporated in portions of present existing sections 710-17 and 710-140 of the Code. It is not my function at this time to consider the validity of the action of the Legislature in view of the provision of Section 8 of Article II of the Constitution of Ohio. However, the subject matter contained in that portion of the bill designated as 710-17a is the same as that incorporated in the present existing section 710-17. Accordingly, I have approved such sectional numbering as being a proper supplement to a supplemental section of the Code.

The portion of the bill designated as section 710-140(b) is concerning the same subject matter covered by present existing section 710-140 of the Code. Accordingly, I have corrected the numbering of this portion of the bill to 710-140a, such being the correct designation to a section supplementary to a supplemental section.

Respectively,  
GILBERT BETTMAN,  
Attorney General.

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House Bill No. 1—Veto.

File No. 100.

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House Bill No. 154—Veto.

File No. 101.

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(Amended Substitute Senate Bill No. 2)

### AN ACT

To revise, recodify and supplement the election laws, by repealing sections 4785 to 4828, inclusive; 4828-2, 4830 to 5175-29r, inclusive; 13250 to 13360, inclusive; and substituting therefor the following new and amended sections, to be known as the "Election Laws of Ohio".

*Be it enacted by the General Assembly of the State of Ohio:*

#### **Sec. 4785-1.**

SECTION 1. This act shall be known as the Election Laws of the state of Ohio.

## APPLICATIONS

**Sec. 4785-2.**

SECTION 2. Unless and until otherwise provided by law, the provisions of this act shall apply to and be controlling in all matters relating to registration of voters, the conduct of elections, and to the organization and control of political parties in Ohio.

## DEFINITIONS

**Sec. 4785-3.**

SECTION 3. The terms used in this act and in the statutes relating to elections shall have the meaning herein defined, unless other meaning is clearly apparent in the language or context.

- a. The term "general election" shall mean any election held on the first Tuesday after the first Monday in November.
- b. The term "regular municipal election" shall mean the election held on the first Tuesday after the first Monday in November in odd numbered years.
- c. The term "regular state election" shall mean any election held for the election of national, state, district or county officers in even numbered years.
- d. The term "special election" shall mean any election other than a regular state, a regular municipal or primary election.
- e. The term "primary" or "primary election" shall mean any election held for the purpose of electing party committees, choosing delegates to a party convention, or nominating candidates to be voted for at an election.
- f. The term "designation" shall mean the method by which candidates for nomination for public office or for election to party positions may be named in order that they may be placed upon the official ballot for a primary election.
- g. The term "nomination" shall mean the selection in accordance with the provisions of this act of a candidate for office authorized to be filled at an election.
- h. The term "party nomination" shall mean the selection by a political party of a candidate for an office authorized to be filled at an election.
- i. The term "independent nomination" shall mean the selection of a candidate by an independent body or group of electors for an office authorized to be filled at an election.
- j. The term "party" or "political party" shall mean any political organization of electors which has qualified for participation in an election as hereinafter required.
- k. The term "independent group" shall mean any organization or group of voters, which nominates a candidate or candidates for office by petition to be voted for at an election, and which is not a party as hereinafter defined.
- l. The term "precinct" shall mean a district established by authority of law within which all qualified electors vote at one polling place.



- m. The term "polling place" shall mean the booth or place provided in each precinct for casting ballots at an election.
- n. The term "board" shall mean the "board of elections" in the several counties. Wherever the term "deputy state supervisors" or "deputy state supervisors and inspectors of elections" shall appear in the laws of Ohio it shall mean the "board of elections" as herein provided.
- o. The term "voter" shall mean a qualified elector.
- p. Words of the masculine gender, except where the context clearly applies to but one sex, shall include the feminine.

### TIME AND PLACE OF ELECTIONS

#### ELECTIONS—WHEN HELD:

##### **Sec. 4785-4.**

SECTION 4. General elections in the state of Ohio and its political subdivisions shall be held as follows:

- a. For the election of electors of president and vice president of the United States, in the year of 1932 and every four years thereafter.
- b. For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as herein otherwise provided for filling vacancies.
- c. For the election of representatives in the congress of the United States, and of elective state and county officers, in the even numbered years; except as herein otherwise provided for filling vacancies.
- d. For municipal and township officers, members of boards of education, judges and clerks of police and municipal courts, and justices of the peace, in the odd numbered years.
- e. Proposed constitutional amendments, or proposed measures submitted by the general assembly or by initiative or referendum petitions to the voters of the state at large, may be submitted at the general election in any year occurring at least ninety days subsequent to the filing of the petitions therefor.

Unless provision is made by law or charter for the submission of a question or issue to the voters of a county, township, city, village or school district at a special election, no special election shall be so called, and the question or issue shall be submitted at a general election.

#### NOTICE OF ELECTIONS:

##### **Sec. 4785-5.**

SECTION 5. At least ten days before the time for holding an election the board shall give public notice by a proclamation, posted in a conspicuous place in the court house and city hall; or by one insertion in a newspaper published in the county; and if no newspaper is published in such county, then in a newspaper of general circulation therein. Such



newspaper notice shall not exceed six inches in length of double column width.

## SUPERVISION OF ELECTIONS

### CHIEF ELECTION OFFICER:

#### **Sec. 4785-6.**

SECTION 6. The secretary of state, by virtue of his office, shall be the chief election officer of the state, with such powers and duties relating to the registration of voters and the conduct of elections as are prescribed in this act. He shall perform these duties, in addition to other duties imposed upon him by law, without additional compensation.

### DUTIES OF CHIEF ELECTION OFFICER:

#### **Sec. 4785-7.**

SECTION 7. It shall be the duty of the secretary of state to appoint, in the manner provided by law, all members of boards of elections, to advise with members of such boards as to the proper methods of conducting elections; to prepare rules, regulations and instructions for the conduct of elections; to publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force; to edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters; to recommend to boards of elections the form of registration cards, blanks and records; to determine, in the manner provided by law, the forms of ballots, the forms of all blanks, cards of instructions, poll books, tally sheets, and certificates of election; to prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state; to certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot, to the several boards; to receive and to determine the sufficiency of all initiative and referendum petitions on state questions and issues as hereinafter provided, and to certify to the sufficiency of such petitions; to require such reports from the several boards as are provided by law, or as he may deem necessary; to compel the observance, by election officers in the several counties, of the requirements of the election laws; to investigate the administration of election laws, frauds and irregularities in elections in any county, and to report violations of election laws to the attorney general or prosecuting attorney or both for prosecution; to make an annual report to the governor containing the results of elections, cost of elections in the various counties, a tabulation of the votes in the several political subdivisions, and such other information and recommendations relative to elections as he may deem desirable; and to perform such other duties as may be required by law. In the performance of his duties as the chief election officer, the secretary of state shall have the power to administer oaths, issue subpoenas, summon witnesses, compel the production of books, papers, records and other evidence; and to fix the time and place for hearing any



matters relating to the administration and enforcement of the election laws.

#### BOARD OF ELECTIONS:

##### **Sec. 4785-8.**

SECTION 8. There shall be in each county of the state, a board of elections consisting of four qualified electors of the county, who shall be appointed by the secretary of state to serve for the term of four years and until their successors have been appointed and have qualified. On the first day of May in even numbered years the secretary of state shall appoint two of such board members, one of whom shall be from the political party which cast the highest number of votes in the state for the office of governor at the last preceding state election, and the other shall be from the political party which cast the next highest vote for governor at such election. The members of the present boards of deputy state supervisors of elections and members of the boards of deputy state supervisors and inspectors of elections shall continue to act and be recognized as such for the terms for which they were appointed and until their successors have been chosen and have qualified as herein provided. All vacancies filled for unexpired terms and all appointments to new terms shall be made from the political party to which the vacating or outgoing member belonged, unless there is a third political party which cast a greater number of votes in the state at the last preceding state election for the office of governor than did the party to which the retiring member belonged, in which event the vacancy shall be filled from such third party.

#### PARTY RECOMMENDATIONS:

##### **Sec. 4785-9.**

SECTION 9. Not less than fifteen days before the term of outgoing members expires, or within five days after a vacancy occurs, the county executive committee of the party or parties entitled to the appointment may recommend a qualified elector or electors to the secretary of state. He shall appoint such elector or electors, unless he shall have reason to believe that any such person would not be a competent member of such board. In such case he shall so state in writing to the chairman of such county executive committee, with the reasons therefor, and such committee may either recommend another elector, or may apply for a writ of mandamus to the supreme court of Ohio to compel the secretary of state to appoint the elector so recommended; and in such action the burden of proof to show the qualifications of the person so recommended shall be on the committee making the recommendation. If no such recommendation is made the secretary of state shall make the appointment.

If recommendations are made by more than one committee, each claiming to be the rightful executive committee, the secretary of state, before making any such appointment, shall notify the chairman of the state central committee of such political party, which state central committee shall certify which is the rightful committee of such party, and such committee so certified shall be recognized by the secretary of state.



If the state central committee fails to make such certification within ten days after the giving of such notice, the secretary of state shall determine which of the contesting committees is the rightful executive committee, and shall make the appointments as provided in the preceding section.

#### ORGANIZATION OF BOARD:

##### **Sec. 4785-10.**

SECTION 10. Biennially, within five days after such appointments are made, the members of the board shall meet and organize by selecting one of their number as chairman, who shall preside at all meetings, and a resident elector of the county, other than a member of the board, as clerk, and in all counties containing a registration city, a resident elector of the county as deputy clerk, all of which officers shall continue in office for two years. The balloting for such officers shall commence at or before one o'clock p. m. of the day of the convening, and at least one ballot shall be taken every twenty minutes until such organization is effected, or five ballots have been cast, as hereinafter provided. The clerk shall first be selected by the votes of at least three members. If, after five ballots, no person shall be agreed upon as clerk, the names of all persons so voted for on the fifth ballot, together with the names of the board members who nominated them, shall be certified to the secretary of state, who shall designate therefrom one of such persons to serve as clerk and, in counties containing a registration city, another such person to serve as deputy clerk. The clerk and deputy clerk shall be of opposite political parties, and each such officer shall have been nominated by a board member of the political party to which he belongs. After the selection of the clerk, the chairman shall be selected from the members of the board of opposite politics to that of the clerk. If, upon the first ballot, no person shall be agreed upon as chairman, the member of opposite politics to the clerk, and having the shortest term to serve, shall be chairman and shall preside at all meetings. When such organization is perfected, the clerk shall forthwith report it to the secretary of state.

#### REMOVAL FROM OFFICE:

##### **Sec. 4785-11.**

SECTION 11. The secretary of state may summarily remove any member of a board of elections, or the clerk, deputy clerk, or any other employe of the board, for neglect of duty, malfeasance, misfeasance, or nonfeasance in office, for any wilful violation of the election laws; or for any other good and sufficient cause. Vacancies in the office of chairman or clerk, or deputy clerk shall be filled in the same manner as original selections are made, from persons belonging to the same political party as that to which the outgoing officer belonged; otherwise by the secretary of state.

#### OATH OF OFFICE:

##### **Sec. 4785-12.**

SECTION 12. Before entering upon the duties of their respective



offices each member of the board shall appear before a person authorized to administer oaths and take and subscribe to an oath that he will support the constitution of the United States and of the state of Ohio, will perform the duties of the office to the best of his ability, will enforce the election laws, and will protect and preserve the records and property pertaining to elections. Such oath shall be filed with the clerk of the common pleas court of the county wherein the officer resides.

#### DUTIES OF BOARDS:

##### **Sec. 4785-13.**

SECTION 13. The boards of elections within their respective jurisdictions by a majority vote shall exercise, in the manner herein provided, all powers granted to such boards in this act, and shall perform all the duties imposed by law which shall include the following:

- a. To establish, define, provide, rearrange and combine election precincts.
- b. To fix and provide the places for registration, when required, and for holding primaries and elections.
- c. To provide for the purchase, preservation and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers and equipment as may be used in registration, nominations and elections.
- d. To appoint and remove its clerk, assistant clerks, and employes, and all registrars, judges, clerks and other officers of elections, and to fill vacancies, and to designate the ward or district and precinct in which each shall serve.
- e. To make and issue such rules, regulations and instructions, not inconsistent with law, or the rules established by the chief election officer, as they may deem necessary for the guidance of election officers and voters.
- f. To advertise and contract for the printing of all ballots, and other supplies used in registrations and elections.
- g. To provide for the issuance of all notices, advertisements, and publications concerning elections required by law.
- h. To provide for the delivery of ballots, poll books and other required papers and material to the polling places.
- i. To cause the polling places to be suitably provided with stalls and other supplies required by law.
- j. To investigate irregularities, non-performance of duties, or violations of laws by election officers and other persons; to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and to report the facts to the prosecuting attorney.
- k. To review, examine and certify the sufficiency and validity of petitions and nomination papers.
- l. To receive the returns of elections, canvass the returns, make abstracts thereof and transmit such abstracts to the proper authorities provided by law.

- m. To issue certificates of election on forms to be prescribed by the secretary of state.
- n. To make an annual report to the secretary of state on the form prescribed by him containing a statement of the number of voters registered, elections held, votes cast, appropriations received and expenditures made, and such other data as may be required by the secretary of state.
- o. To prepare and submit to the proper appropriating officer a budget estimating the cost of elections for the ensuing fiscal year.
- p. To perform such other duties as may be prescribed by law or the rules of the chief election officer.

In all cases of a tie vote or a disagreement in the board, if no decision can be arrived at, the clerk shall submit the matter in controversy to the secretary of state, who shall summarily decide the question and his decision shall be final.

#### DUTIES OF CLERK:

##### **Sec. 4785-14.**

SECTION 14. The clerk shall keep a full and true record of the proceedings of the board and of all monies received and expended, file and preserve in its office all orders and records pertaining to the administration of registrations, primaries and elections; receive and have the custody of all books, papers and property belonging to the board; and shall perform such other duties in connection with his office and the proper conduct of elections as the board shall from time to time determine. He shall subscribe to an oath before entering upon the duties of his office to perform all the duties of the clerk to the best of his ability, and to preserve all records, documents, and other property pertaining to the conduct of elections placed in his custody. He may administer oaths to such persons as are required by law to file certificates or other papers with the board, to judges and clerks of elections, and to witnesses who may be called to testify before the board, and to voters filling out blanks at the board's offices. The records of the board and papers and books filed in its office shall be public records and open to inspection under such reasonable regulations as shall be established by the board.

#### ASSISTANT CLERKS AND EMPLOYEES:

##### **Sec. 4785-15.**

SECTION 15. The board may, when necessary, appoint a deputy clerk of the political party opposite to that of the clerk, and one or more assistant clerks and other employes, prescribe their duties and fix their compensation as provided herein. The deputy clerk and assistant clerks shall take the same oath for the faithful performance of their duties as is required of the clerk of the board; and they shall have the same power to administer oaths as is given to the clerk by this act. The salaries of such deputy and assistant clerks and other employes shall not exceed the following schedule of compensation: deputy clerk, in counties containing a population of over 450,000, \$400 per month, in counties containing



less than 450,000 but not less than 300,000, \$300 per month, and in all other counties, \$250 per month; assistant clerks, \$250 per month; stenographers, \$150 per month; other employees, \$150 per month each. The board may also employ additional assistants or employees when necessary for part time only at the prevailing rate of pay for such services.

#### ELECTION OFFICIALS—NOT CANDIDATES:

##### **Sec. 4785-16.**

SECTION 16. No person shall serve as a member, clerk, deputy clerk, assistant clerk, or employe of the board of elections who is a candidate for an office to be filled at an election, except the office of delegate or alternate to a convention or a member of a party committee.

#### OFFICES OF BOARD:

##### **Sec. 4785-17.**

SECTION 17. The board in each county shall as an expense of the board provide suitable rooms for its office and records and the necessary and proper furniture and supplies for such rooms. Such offices and rooms in cities over two hundred thousand population shall be kept open daily during office hours, except Sundays and legal holidays. In counties containing a municipality or municipalities in addition to the county seat, the board may maintain a temporary branch office in each such municipality for such time prior to the election as necessity may require.

#### COMPENSATION OF BOARD MEMBERS:

##### **Sec. 4785-18.**

SECTION 18. The annual compensation of members and clerks of the boards of elections shall be determined on the basis of the population of the county according to the next preceding federal census, and shall be paid monthly out of the appropriations made to the board of elections and upon vouchers or payrolls certified by the chairman, or a member of the board designated by it, and countersigned by the clerk or in his absence by the deputy clerk. Upon presentation of any such voucher or payroll the county auditor shall issue his warrant upon the county treasurer for the amount thereof as in the case of vouchers or payrolls for county offices and the treasurer shall pay the same.

The amount of annual compensation of members of the board shall be as follows: twelve dollars for each full one thousand of the first one hundred thousand population; eight dollars for each full one thousand of the second one hundred thousand population; six dollars for each full one thousand of the third one hundred thousand; four dollars for each full one thousand of the fourth one hundred thousand; and three dollars for each full one thousand above four hundred thousand; except that in counties containing a registration city or cities an additional compensation of two dollars for each full one thousand population in such cities shall be allowed; provided, however, that the compensation of a member of the board shall be not less than two hundred dollars and shall not exceed four thousand two hundred dollars annually.



## COMPENSATION OF CLERKS:

**Sec. 4785-19.**

SECTION 19. The clerk of the board in each county, except in counties containing a population of over four hundred fifty thousand, shall receive an annual compensation which shall amount to fifty (50) percent more than is received by members of the board of elections of such county. In counties containing a population of over four hundred fifty thousand the clerk shall receive fifty percent (50%) more than shall be received by the deputy clerk.

## EXPENSES AND APPORTIONMENT:

**Sec. 4785-20.**

SECTION 20. The expenses of the board in each county shall be paid from the county treasury in pursuance of appropriations by the county commissioners, in the same manner as other expenses are paid. If the county commissioners fail to appropriate an amount sufficient to provide for the necessary and proper expenses of the board, the board may apply to the court of common pleas within the county, which shall fix the amount necessary to be appropriated and such amount shall be appropriated. Payments shall be made upon vouchers of the board certified to by its chairman or acting chairman and the clerk or deputy clerk, upon warrants of the auditor.

Such expenses shall be apportioned among the county and the various subdivisions as hereinafter provided, and the amount chargeable to each subdivision shall be withheld by the county auditor from the monies payable thereto at the time of the next tax settlement. At the time of submitting budget estimates in each year the board shall submit to the taxing authority of each subdivision an estimate of the amount to be withheld therefrom during the next fiscal year.

a. The entire compensation of members of the board and of the clerk, deputy clerk and other assistants and employees in the board's offices; the expenditures for the rental, furnishing and equipping of the offices of the board and for the necessary office supplies for the use of the board; the expenditures for the acquisition, repair, care and custody of polling places, booths, guard rails and other equipment for polling places; the cost of poll books, tally sheets, maps, flags, ballot boxes, and all other permanent records and equipment; the cost of all elections held in and for the state and county; and all other expenses of the board which are not chargeable to a political subdivision in accordance with this section, shall be paid in the same manner as other county expenses are paid.

b. The compensation of judges and clerks of elections; the cost of renting, moving, heating and lighting polling places and of placing and removing ballot boxes and other fixtures and equipment thereof; the cost of printing and delivering ballots, cards of instruction and other election supplies; and all other expenses of conducting primaries and elections in the odd numbered years shall be charged to the subdivisions in and for which such primaries or elections are held.

c. The cost of all special elections shall be charged against the subdivisions for and in which such elections are held.



d. The compensation of registrars; the cost of renting, heating and lighting registration places; the cost of the necessary books, forms and supplies for the conduct of registration; and the cost of printing and posting precinct registration lists; shall be charged to the subdivision in which such registration is held.

#### ELECTION DISTRICTS:

##### **Sec. 4785-21.**

SECTION 21. The board, when it deems it necessary for election administration purposes, may divide a political subdivision, within its jurisdiction, into precincts or districts and may change the boundaries thereof. The election returns shall be compiled and reported by the board both according to such precincts or districts.

#### ELECTION PRECINCTS:

##### **Sec. 4785-22.**

SECTION 22. The board shall have authority, in the manner provided by law, to establish, define, divide, rearrange and combine the several election precincts within their jurisdiction as often as it is necessary to maintain the requirements as to number of voters in a precinct, and to provide for the convenience of the voters and the proper conduct of elections. Each precinct shall be compact in form and shall not contain portions of two civil divisions. Each precinct shall contain as nearly as practicable three hundred and fifty electors, based upon the total votes cast at the election held in 1928 or in the November election every fourth year thereafter, but no precinct shall contain less than two hundred and fifty nor more than four hundred electors; except that a township or a village containing a less number of voters shall compose one precinct. When four hundred or more votes have been cast, at the last preceding state or regular municipal election in a precinct the board may so divide and rearrange the precinct, and the precincts adjacent thereto, as to equalize the number of voters in each such precinct and limit the number to three hundred fifty as nearly as may be practicable; and when the vote is less than three hundred fifty, as determined by the last preceding regular state election, the board may combine and rearrange the precincts for the same purpose.

#### PRECINCTS IN TOWNSHIPS AND VILLAGES:

##### **Sec. 4785-23.**

SECTION 23. Each township, exclusive of the territory embraced within the limits of a municipal corporation, shall compose an election precinct; except that a municipality wherein less than one hundred votes were cast at the next preceding general election may form a part of the township precinct. A township wherein more than four hundred votes were cast at the last preceding regular state election may be divided into election precincts, if the board is of the opinion that such division is necessary. Each municipal corporation shall constitute one election pre-



cinct unless it is divided according to law into precincts. The lands used for a state or national home for disabled soldiers shall constitute a separate election precinct, and, if necessary, may be divided and rearranged within such limits as other precincts are arranged and divided.

#### NOTICE OF CHANGE OF PRECINCT:

##### **Sec. 4785-24.**

SECTION 24. When the board deems it necessary to change, divide or combine any precinct, it shall, at least thirty days previous to any election, give ten days notice by posting a notice in a conspicuous place in the board's offices and in at least one conspicuous place in such precinct, stating that the question whether such precinct shall be divided, changed or combined will be considered on a day named in the notice. On such day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining such precinct shall be heard. If there are no remonstrances against said division, change or combination, the board of elections shall declare in favor thereof and designate the precincts so established. If twelve electors of such precinct remonstrate against such division, change or combination, the matter shall be heard at a public hearing to be called by the board and determined; and such order shall be made for or against such division, change or combination, as is deemed proper.

#### PRECINCT ELECTION OFFICERS:

##### **Sec. 4785-25.**

SECTION 25. On or before the first day of September before each November election the board by a majority vote shall, after careful examination and investigation as to their qualifications, appoint for each election precinct six competent persons, four as judges and two as clerks, who shall constitute the election officers of such precinct. Not more than two of the judges and one of the clerks shall be members of the same political party. The term of such precinct officers shall be for one year, but subject to removal at any time by the board. Vacancies for unexpired terms shall be filled by the board. When new precincts have been created the board shall appoint judges and clerks for such precincts for the unexpired term. Any judge or clerk may be summarily removed from office at any time by the board for neglect of duty, malfeasance or misconduct in office.

#### QUALIFICATIONS OF PRECINCT OFFICERS:

##### **Sec. 4785-26.**

SECTION 26. All judges and clerks shall be qualified electors. No person who has been convicted of a crime, or who is unable to read and write the English language readily, or who is a candidate for an office to be voted for by the voters of his precinct in which he is to serve, except the office of delegate or alternate to a convention or a member of a party committee, shall serve as an election officer. A person when appointed as an election officer shall receive from the board a certificate of appoint-



ment which may be revoked at any time by the board. Such certificate shall be in such form as the board may prescribe and shall specify the precinct, ward or district in and for which the person to whom it is issued is appointed to serve, the date of appointment, and the expiration of his term of service.

#### OATH OF OFFICE:

##### **Sec. 4785-27.**

SECTION 27. The judges and clerks of election shall each take and subscribe to the following oath which shall be administered by the presiding judge at the respective polling places or by the clerk or deputy clerk at the office of the board, and shall be filed with the clerk of the board.

State of Ohio,  
County of.....

I do solemnly swear that I will support the constitution of the United States and the constitution and laws of the state of Ohio; and will discharge to the best of my ability, the duties of..... (judge or clerk) of the election in and for precinct..... of.....county, as provided by law and by the rules and instructions of the board, and will endeavor to prevent fraud, deceit and abuse in the elections, will report immediately to the board any violations of the election laws which come to my knowledge, and will not disclose any information gained by me in the discharge of any official duties as to how any elector voted at such election.

Signed.....

Sworn to and subscribed before me this.....day of  
.....in the year.....

.....  
(Presiding judge)

The presiding judge shall take and subscribe to such oath when he appears at the office of the board to receive the ballots and other supplies for the election.

#### COMPENSATION OF JUDGES AND CLERKS:

##### **Sec. 4785-28.**

SECTION 28. The judges and clerks shall receive as compensation for their services, when actually serving, the sum of eight dollars for each general, primary and special election, in counties of less than two hundred and fifty thousand population according to the next preceding federal census; and ten dollars for each general, primary and special election in counties of more than two hundred and fifty thousand population. Where registration at the precinct polling place is required, the precinct registrars shall be paid for their services five dollars per day.

## QUALIFICATIONS OF ELECTORS

### AGE QUALIFICATIONS:

#### **Sec. 4785-29.**

SECTION 29. Every citizen of the United States who is of the age of twenty-one years or over, who possesses the qualifications herein required, shall be entitled to vote at all elections.

### RESIDENCE QUALIFICATIONS:

#### **Sec. 4785-30.**

SECTION 30. No person shall be permitted to vote at any election unless he shall have been a resident of the state for one year, of the county for thirty days, and of the voting precinct twenty days next preceding the election at which he offers to vote, except as otherwise hereinafter provided. A qualified elector who is the head of a family and has resided in the state and in the county the length of time required herein and who in good faith removes his family from one precinct to another precinct in the same political subdivision, he and the other qualified electors in his family shall have the right to vote in such precinct, provided that in the case of registration precincts they shall have corrected their registrations as herein required.

### RULES FOR DETERMINING RESIDENCE:

#### **Sec. 4785-31.**

SECTION 31. All registrars and judges of elections, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may be applicable:

- a. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.
- b. A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.
- c. A person shall not be considered to have gained a residence in any county of this state, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.
- d. The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence; except that where the husband and wife have separated and live apart, the place where he or she resides the length of time required by the provisions of this act to entitle a person to vote, shall be considered and held to be his or her place of residence.
- e. If a person remove to another state with the intention of making such state his permanent residence he shall be considered to have lost his residence in this state.
- f. If a person remove to another state with the intention of remain-



- ing there an indefinite time and making such state his place of residence, he shall be considered to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.
- g. If a person remove to the District of Columbia, or other federal territory, to engage in the government service, he shall not be considered to have lost his residence in this state during the period of such service, and the place where such person resided at the time of his removal shall be considered and held to be his place of residence.
  - h. If a person goes into another state, and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this state.
  - i. All questions of the right to vote shall, except as otherwise provided herein, be heard and determined by the judges of election in the precinct where the question arises.

#### INMATES OF SOLDIERS' HOMES:

##### **Sec. 4785-32.**

SECTION 32. Infirm or disabled soldiers, who are inmates of a national home for such soldiers, who are citizens of the United States and have resided in this state one year next preceding any election, and are otherwise qualified as to age and residence within the county and township, shall have their lawful residence in the county and township in which such home is located.

#### INMATES OF PUBLIC INSTITUTIONS:

##### **Sec. 4785-33.**

SECTION 33. Persons who are inmates of a public or private institution, or of a county home maintained by the county, who are citizens of the United States and have resided in this state one year next preceding the election and are otherwise qualified as to age and residence within the county and township, shall have their lawful residence in the county and township in which said institution is located. The legal residence of a qualified elector who may be an inmate of a home, lodging house or infirmary owned or maintained by a city, shall be the ward or precinct of such city where such inmate was so domiciled or resident at the time of his admission to such home, lodging house or infirmary and may so continue during the time he may be an inmate thereof.

#### REGISTRATION

#### REGISTRATION REQUIRED:

##### **Sec. 4785-34.**

SECTION 34. In every city which at the last preceding federal census had, or which at any local, state, or federal census provided by law, shall have reached a population of sixteen thousand (16,000), or

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more, the board of elections shall establish and maintain, in the manner herein provided, a registration of all the qualified electors of such city. Any city of less than sixteen thousand (16,000) population may, by ordinance, elect to become a registration city. When such ordinance is adopted the board of elections shall establish and maintain a registration of voters as in the case of other registration cities. The board of elections, in a county containing a registration city, when it is deemed necessary to prevent fraud in elections, may require registration of voters in suburban municipalities, or territory contiguous or adjacent to such registration city. No person residing in any registration precinct shall be entitled to vote at any election or to sign any nominating, initiative, referendum or recall petition unless he is duly registered as an elector in the manner provided herein; provided, however, that for the primary election and any special elections held before the general election in 1930, all voters who were duly registered and qualified to vote at the general election in 1929 and have not changed their places of residence shall be deemed to have registered for any such primary or special election. Registrars of each precinct, on the Friday and Saturday in the second week before such primary or special election held before the general election in 1930, shall obtain from the board the last registers for such precincts, and attend at the polling places in such precincts on such dates between the hours fixed by the board, and then and there receive applications for registration by qualified electors residing therein as are not already registered. If such applicants are qualified, the registrars shall enter them in the registers, subject to the rules and conditions prescribed for registration.

#### QUALIFICATIONS TO REGISTER:

##### **Sec. 4785-35.**

SECTION 35. Each person, who will be of the age of twenty-one years or more at the next ensuing November election, who is a citizen of the United States, and who, if he continues to reside in the precinct until the next election, will at that time have fulfilled all the requirements as to length of residence to qualify him as an elector shall, unless otherwise disqualified, be entitled to be registered as an elector in such precinct. When once registered in accordance with this act, an elector shall not be required to register again unless his registration is cancelled for reasons as hereinafter provided.

#### GENERAL REGISTRATION:

##### **Sec. 4785-36.**

SECTION 36. The board shall provide such printed forms, blanks, supplies, and equipment, and prescribe such reasonable rules and regulations as are necessary to carry out the provisions herein relating to registration. On Thursday in the fifth week and Friday and Saturday in the fourth week preceding the general election of November in 1930, between the hours of 1 p. m. and 9 p. m., the board of elections shall cause to be held in each precinct in registration cities, and in other precincts where registration is required, a general registration of all qualified



electors of the city and such other precincts; and thereafter no general registration shall be held in such city or other precincts except as otherwise provided herein. In the case of cities which shall hereafter become registration cities a general registration of all qualified electors shall be held on the days herein fixed preceding the next general election thereafter.

#### PRECINCT REGISTRARS:

##### **Sec. 4785-37.**

SECTION 37. Thirty days before any registration in the precincts the board shall designate from among the judges of election in each precinct two of their number of different political parties who shall act as registrars of electors on the days fixed for the general registration. Such registrars shall be notified and one of their number in each precinct shall be designated by the board as the presiding registrar; and he shall call at the office of the board at the time specified by the board to receive the necessary supplies and instructions for holding such general registration. At the close of the first day's and the third day's registration he shall return all registration records and supplies to the board's office. They shall be compensated for their services as herein provided. The presiding registrar shall receive one dollar (\$1.00) additional for each time he calls for, and a like amount each time he returns the books and supplies to the board's office.

#### DUTIES OF REGISTRARS:

##### **Sec. 4785-38.**

SECTION 38. On the days for registration the registrars shall meet at the polling place in each precinct provided by the board for that purpose and there remain in session during the hours prescribed by law for the purpose of registering the electors lawfully resident in such precincts. They shall take the oath as in the case of judges and clerks of elections; and they shall receive the applications and register all such persons, resident in such precinct, who shall personally come before them and who are or will be entitled to vote therein at the next ensuing election. All such registrars shall have the authority to administer the oath and take the affidavit of such applicants.

The registrars shall examine the applicants as to their qualifications as electors and, except as otherwise provided in this act, shall immediately in the presence of each applicant enter on the registration forms the answers in full as to the facts required thereon regarding each applicant. Said applicant shall then, in the presence of both registrars, sign both the original and duplicate registration forms. If the right of an applicant to register is challenged by an elector or one of the registrars, the registrars may administer the oath and shall proceed to examine such applicant and other witnesses as to his residence and qualifications to vote. If not satisfied that the applicant is entitled to register the registrars shall enter the word "challenged" after such applicant's name on his registration form. The board shall immediately investigate such challenge; and if the challenge be sustained such applicant's registration forms shall be removed from the files and cancelled, and the applicant notified. If



the board finds that such applicant is entitled to register he shall be duly registered.

#### REGISTRATION AT BOARD'S OFFICE:

##### **Sec. 4785-39.**

SECTION 39. Persons qualified to register or to change their registration may, after the general registration in 1930 or any registration thereafter, register or change their registration at the office of the board at any time such office is open, except twenty days preceding or ten days following an election. Any elector changing his residence after the close of such registration period may transfer his registration up to and including the third day preceding an election.

#### REGISTRATION — BRANCH OFFICES OR POLLING PLACES:

##### **Sec. 4785-40.**

SECTION 40. After the general registration in 1930 the board of any county, in order to facilitate new registrations and the change of registrations by electors already registered, may adopt one of the following methods:

a. The board may provide and keep open, for a period of not to exceed ten days in each year immediately before the close of registration preceding a general election, at convenient locations in different parts of the city, branch registration offices where qualified persons may register or transfer their registration. Such branch offices, which shall not exceed one for each thirty thousand population of the city, as determined by the last preceding federal census or the last census estimate by the federal census bureau, shall be in charge of two or more competent assistant clerks of opposite political parties who shall receive for their services not to exceed ten dollars per day. The board shall provide a sufficient number of such branch offices to enable all eligible voters to register or transfer their registrations, and they shall be kept open at least eight hours of each day as may be fixed and publicly announced by the board. Notices of the location of such branch offices and the hours during which they will be opened shall be posted in one or more conspicuous places in the locality in which the branch office shall be located.

b. The board may arrange each year for registration in each registration precinct on the third Tuesday preceding the day of the November election. Such one day registration, when so arranged, shall be conducted and governed by the provisions of this act relating to general registrations.

All registrations shall be carefully checked and in case any person is found to have registered more than once the additional registration forms shall be cancelled by the board.

#### REGISTRATION FORMS:

##### **Sec. 4785-41.**

SECTION 41. Registration forms shall consist of an equal number of original cards or loose-leaf pages of one color and duplicate cards or

loose-leaf pages of another color, which shall be of a size adequate to contain the information hereinafter required. When such forms have been duly filled out and returned to the office of the board, the original and the duplicate form shall be filed in different filing cases or loose-leaf binders. The original forms shall be by precincts and shall constitute the precinct register for use in polling places on election day. The duplicate forms shall constitute the permanent office record of the board. The permanent office record shall not be open to public inspection except in the presence of a clerk of the board and shall not be removed from the office of the board except on court order. The registration records shall be open to public inspection under reasonable regulations at all times when the office of the board is open for business, but not during the twenty days immediately preceding and the ten days following an election except upon special order of the board.

#### CONTENTS OF REGISTRATION FORM:

##### **Sec. 4785-42.**

**SECTION 42.** The registration forms shall contain spaces for inserting the following information concerning the applicant for registration:

1. The full name, including the first and last names and middle name, if any. In the case of married women the christian name of said woman shall be entered prefixed by the word "Mrs." In the case of single women the christian name shall be prefixed by the word "Miss."

2. The place of residence and post-office address including the name of the street and street number, if any. If the applicant resides in a hotel, apartment or tenement house, or institution, then such additional information shall be included as will give the exact location of said applicant's place of residence.

3. The applicant's statement that he is over twenty-one years of age; or that he will be twenty-one years of age on or before the day of the next general election; that he is a citizen of the United States and the state of Ohio; that he has resided in the state for at least one year, in the county thirty days and in the precinct twenty days.

4. The applicant's statement that he is a native born or naturalized citizen; if a citizen by naturalization when and in what court naturalized.

5. Place of residence from which last registered; place for remarks giving additional information for purposes of identification.

6. Immediately below the foregoing information shall be printed the following oath with a space for the signature or mark of the applicant:

"I, ....., being duly sworn on oath (or affirmation), do swear (or affirm) that the statements herein contained are, to the best of my knowledge and belief, true; and that I am legally qualified to vote."

.....  
Signature of Applicant

Subscribed and sworn to before me this .....day of  
....., 19....

.....  
Signature of person taking affidavit.



7. Place for subsequent changes in the address of the applicant. Said original and duplicate registration forms shall be in substantially the following form:

REGISTRATION FORM — City of.....

Name .....	Change in address
(Last name—First name—Middle name)	To .....
Residence .....	Street address
Street address	Ward.... Precinct....
Exact location: Apart. No..... Floor No.....	Date .....
Ward..... Precinct.....	Clerk .....
Place of birth..... Age.....	Signature
Have you resided in the state for one year?..	To .....
In the county 30 days and precinct 20 days?...	Street address
Are you a native born or naturalized	Ward.... Precinct....
citizen? .....	Date .....
If naturalized, when and in what court?.....	Clerk .....
Place of residence from which last	Signature
registered.....	To .....
Remarks .....	Street address
(Other means of identification)	Ward.... Precinct....
	Date .....
	Clerk .....
	Signature
State of Ohio	To .....
County of.....	Street address
I, ....., being duly sworn	Ward.... Precinct....
on oath (or affirmation), do swear (or affirm)	Date .....
that the statements herein contained are, to	Clerk .....
the best of my knowledge and belief, true; and	Signature
that I am legally qualified to vote.	To .....
.....	Street address
Signature of applicant	Ward.... Precinct....
Subscribed and sworn to before me this	Date .....
.....day of....., 19....	Clerk .....
.....	Signature
Signature of person taking affidavit.	

8. Provision shall be made either on the front or back of the registration cards or loose leaf pages for recording the fact that registered voters have or have not voted at each general election. Such record shall indicate whether such voter voted at the primary election and his political party affiliations if any. Such facts shall be recorded, as determined by the rules and regulations of the secretary of state, by the precinct officials as the votes are cast.

#### SIGNING OF REGISTRATION FORMS:

##### Sec. 4785-43.

SECTION 43. Any eligible person applying for registration shall

answer all such questions as are provided for in the registration forms as hereinbefore set forth. Such answers shall be recorded on both the original and the duplicate registration forms, after which said forms shall be compared and all errors corrected, and the applicant shall sign both the original and the duplicate forms under oath. Any applicant who is unable to sign his name shall make a cross, which shall be certified by the signing of the name of the applicant by the person filling out the registration form, who shall add his own signature, and shall also record on such form the date of birth and such other information as will aid in his identification.

#### CHANGES IN RESIDENCE:

##### Sec. 4785-44.

SECTION 44. A change in registration may be made either by a written notice by mail or by calling in person at the board's office or a branch registration office. The board shall provide change of residence notices in card form to be given out upon request by mail or in person for use by any registered voter moving to a new location. These notices shall be printed upon cards with approximately the following wording, to which shall be attached the signed statement of two electors as indicated herein.

#### NOTICE OF CHANGE OF RESIDENCE

The Board of Elections, ..... Date.....  
County of.....

I, ....., who am regis-  
(full name)  
tered from ..... have on.....  
(street address) (date)  
removed to.....from which place of residence I  
(street address)  
desire to be registered for the purpose of voting.

Signed.....  
(in person by the registrant)

.....  
We the undersigned declare and certify that we are duly registered electors of the city of.....; that we are well acquainted with the above named elector who, to our knowledge signed the above notice of change of residence; that said elector formerly resided at.....; and that he is now residing at.....

Name	Signed	Residence address
.....	.....	.....
.....	.....	.....

Upon receipt of such removal notice the board shall cause the signature to be compared with the original registration of such applicant, and if such signature appears to be the same, entry of such change of residence on the original registration cards or forms, and on the registration lists, shall be made. Such registrant shall be immediately notified by the board by mail of the change so made. If the board is not



satisfied as to the signature on the request for a change of residence, or if, for any other reason the board is not satisfied that such request should be granted, a notice shall be sent to such registrant by mail directing him to appear in person at the office of the board to answer such questions under oath as may be deemed necessary to determine the applicant's place of residence and his eligibility to vote. If a registrant fails to appear within fifteen days, when so requested, and the clerk has received no notice from the post office of the non-delivery of the registration notice, said applicant's forms shall be removed from the registration files and placed in the inactive files until such applicant establishes to the satisfaction of the board that such change of residence has been made. When a voter has been registered by error in a precinct other than the one in which he resides the board shall cause the error to be corrected and the registrant to be so notified by mail.

#### CHANGE IN PRECINCT BOUNDARIES:

##### **Sec. 4785-45.**

SECTION 45. When a new precinct has been created, or the boundaries thereof have been changed after the general registration has been held, the election authorities shall correct and transfer the registration forms of registered electors whose voting precincts have thus been changed and shall notify such registrants by mail. The registration of an elector shall not be invalidated by such alteration or transfer nor shall the right of any registered elector to vote be prejudiced by any error in making out the certified list of registered voters.

#### NOTICES OF DEATHS AND CONVICTIONS:

##### **Sec. 4785-46.**

SECTION 46. The chief health officer of each registration city shall file with the board, at least once each month, the names and residence addresses of all persons, over twenty-one years of age, who have died within such city during the month, and the board shall cause all such names as appear upon the registration lists to be removed therefrom. At least once each month the judge of the probate court shall file with the board the names and residence addresses of all persons over twenty-one years of age who have been committed to any hospital for the insane, epileptic, or feeble-minded, and shall also file with the board the names of all persons over twenty-one years of age who may have changed their name by marriage, or otherwise. At least once each month the county clerk of courts shall file with the board the names and residence addresses of all persons over twenty-one years of age whose names have been changed by order of court, or who have been convicted during the previous month of crimes which would disfranchise such persons under existing laws of the state. The board shall cause the registration forms of ineligible registrants to be removed from the files and cancelled. All clergymen authorized to perform marriages, which are not reported to public authorities, shall file with the board the names of all women over twenty-one years of age, who have changed their names by such marriage.



**CHANGE OF NAME:****Sec. 4785-47.**

SECTION 47. Whenever, after an original registration, a person shall change his name, such person shall be required to re-register; provided, however, that when such change is made during the twenty days immediately preceding the election, such person, if duly registered may vote at the election under his former name. Such person, however, shall be required to re-register before he or she will be permitted to vote at any subsequent election, and he or she shall be so notified by the board.

**ANNUAL CHECK-UP ON REGISTRATION:****Sec. 4785-48.**

SECTION 48. Sixty days prior to each general election, except in years when a general registration is held, the board shall determine what precincts are in need of a detailed check for the purpose of correcting the registration lists. The board may then cause to be delivered to the director of public safety or the chief police officer of the city two copies of the corrected precinct registration lists of the last preceding election, together with the names and places of residence of any voters, not on the lists, who have registered from the precinct since the precinct lists were prepared. Such lists shall contain the names and places of residence of all voters duly registered in each of such precincts and shall be so certified by the board. The board shall, at the same time, furnish to such director of public safety or chief police officer a sufficient number of change-of-residence cards on which registrants who have changed their residence may apply to the board for a transfer of registration, and a sufficient number of information cards to be handed to non-registered voters indicating when and where to register at the board's office or a branch office. Such director of public safety or chief police officer shall at once cause such lists and cards to be properly distributed to the police officers or patrolmen assigned to such precincts. It shall be the duty of such police officer or patrolman to visit the place of residence of every registered voter of his assigned precincts, and after diligent inquiry check the names on such registration lists, indicating on the margin: (1) by the word "present" after the name of each elector on such list who still resides at the same address as when the last election was held; (2) by the word "moved" after the name of each elector who has removed from the precinct or expects to move before the next succeeding election, and (3) by the word "deceased" after the name of each elector who has died. He shall also leave cards with registered voters who have moved into the precinct or information cards with all voters who have not registered, giving information as to where and when to register. Two consecutive weeks shall be allowed for this checking of names. At the end of the two weeks, and within five days thereafter, such director of public safety or chief police officer shall cause all such lists, each of which shall bear the signature of the police officer or patrolman checking the same, to be collected at one central place and examined for errors and omissions. When such errors and omissions have been corrected such director of public safety or chief police officer shall within thirty days after the receipt of such lists and forms transmit all such lists and surplus supplies to the



board of elections and take a receipt therefor. Any such director of public safety may use the members of the fire department also for such checking of registration lists. The board, at its option, instead of using the members of the police and fire department of a city for making a check up, may have such a check up made by persons employed by the board, and the above provisions as to the manner of conducting a check up shall apply to a check up by employees of the board in so far as the same may be applicable.

#### NOTICE TO CORRECT REGISTRATION:

##### **Sec. 4785-49.**

SECTION 49. The board of elections immediately upon receipt of such lists, shall cause a notice to be mailed to each person before whose name appears the word "moved" a notification to affirm or deny the change of address by filling in and signing the necessary blank and returning it by mail or to appear at the office of the board and fill out such blank affirming or denying the change in address. Failure to return such blanks or make affirmation or denial shall serve to cancel the registration of such person and his registration forms shall be stamped or marked "cancelled" and shall be removed from the registration files and placed in the inactive file.

#### CHECKING UP CHANGES:

##### **Sec. 4785-50.**

SECTION 50. For the purpose of preventing fraudulent voting and eliminating excess names the board of elections may send by mail to any voter whose name appears on the registration records a notice bearing a statement substantially as follows:

Dear Sir:

"You are hereby notified that your name and address appear on the registration record as

Name .....

Address .....

If there is any mistake in the above name or address, present this card at the office of the board of elections.....

Address

for correction, on or before ..... 19.....

The return of this card because of non-delivery by the postoffice will be accepted as evidence on which to challenge your vote on election day."

.....  
Clerk.

Upon the return by the postoffice of any such notice the clerk of the board of elections shall check the name and address of any such voter. If such voter is found to have removed from the address as recorded to another address in the city, his registration forms shall be corrected and placed in the proper precinct and ward or district; and if such voter is found to have removed from the city his registration

shall be cancelled and his registration forms removed from the active files. If the board of elections is not satisfied as to the correctness of the information, they may order the word "challenged" to be written on the margin of such person's registration forms. No person so challenged shall be permitted to vote except by complying with all the provisions of law applicable to the proving of challenges. The board may arrange with the local postmaster to receive notices of all changes in addresses of persons receiving mail through such postoffice; and with the water, gas and electric light companies or departments, of all persons receiving such services, and pay a reasonable compensation for the necessary clerical services involved. All such changes shall be checked by the board or its clerks with the registration forms of such voters, and such voters shall be notified as provided in this section.

#### OFFICIAL REGISTRATION LISTS:

##### **Sec. 4785-51.**

SECTION 51. At least fifteen days before a general election the board shall cause to be prepared from the registration cards a complete and official registration list for each precinct, containing the names and addresses of all qualified and duly registered voters in the precinct. All such names, in so far as practicable, shall be arranged either in alphabetical order, or in geographical order according to streets in the precincts. All such lists shall be prepared in sheet form and on one side of the paper. Each precinct list shall be headed "Register of voters," and under the heading shall be indicated the district or ward and precinct followed by the statement:

"Any voter of the city on or before the seventh day prior to the election may file with the board of elections at the board's offices located at ..... objections to the registration of any person on this list who, he has reason to believe, is not eligible to vote, or a request for the addition to the list of registered voters whose names have been omitted or who have been erroneously dropped from the registration list of the precinct."

Appended to each precinct list shall be attached the names of the members of the board and the name of the clerk. A sufficient number of such lists, but not to exceed fifty lists of each precinct, may be provided for distribution to such candidates, political parties or organized groups as shall apply therefor. Not later than twelve days before the election the board shall cause one copy of each such precinct list to be conspicuously posted and displayed at the polling place in each such precinct.

#### CORRECTION OF LISTS:

##### **Sec. 4785-52.**

SECTION 52. Application for the correction of any such precinct registration list or a challenge of the right to vote of a person named on such list may be made by any qualified voter of the city at the office of the board not later than seven days prior to the election. Such applica-



tions or challenges, with the reasons therefor, shall be filed on forms provided by the board for that purpose and shall be attested by the oath of such qualified elector.

The board shall sit for the purpose of hearing applications for changes in such lists, or challenges of the right to vote of persons on such lists, on the Wednesday preceding an election between the hours of 9:00 a. m. and 12:00 m., and between the hours of 1:00 p. m. and 5:00 p. m., and such other hours as the board may fix. If all such applications or challenges be not determined on that day, the board shall sit during the same hours on succeeding days until all cases are heard and decided. If the board is unable to hear all such cases within the time specified, it shall have authority to divide itself into two boards, each composed of a member of each political party, to determine such cases. The board may also appoint one or more boards of two members each of opposite political parties to aid in hearing such applications or challenges, and may allow such persons not to exceed ten dollars per day for each day served. Persons whose right to register has been challenged and persons whose names, it is alleged, have been erroneously omitted from the list shall be notified and may appear in person or by counsel. At the request of either party the board shall issue subpoenas to witnesses to appear at such hearing and such witnesses shall be sworn and examined. All cases shall be heard and decided immediately after hearing. If the board shall decide that any such person is not entitled to have his name on the registration list his name shall be removed therefrom and his registration forms cancelled. If the board shall decide that the name of any such person should appear on such registration list it shall be added thereto, and his registration forms placed in the proper registration files. All such corrections and additions shall be made on a copy of the precinct lists, which shall constitute the poll lists, to be furnished to the respective precincts with other election supplies on the day preceding the election, to be used by the clerks in receiving the signatures of voters and in checking against the registration forms.

#### CHECK-UP OF VOTERS:

##### **Sec. 4785-53.**

SECTION 53. At the close of each calendar year after the year of the general registration the election authorities shall examine the registration lists for the purpose of eliminating excess names; and to that end, whenever it appears that a registered voter has not voted at a general election at least once in two calendar years, his registration card or form shall be taken from the original and duplicate files and placed in a transfer file, and a printed postcard notice of that fact with the information that his eligibility to vote has been cancelled by reason of his failure to vote for two calendar years, and that the voter must re-register in order to be eligible to vote, shall be sent to the last known address of such voter. The board of elections shall have full authority at all times to conduct investigations, summon witnesses and take testimony under oath, regarding the registration of any voter or as to the accuracy of the registration lists in any registration precincts.



## CUSTODY OF FORMS AND LISTS:

**Sec. 4785-54.**

SECTION 54. All registration forms and lists when not in official use by the registrars or judges of elections shall at all times be in the possession of the board, subject to public inspection at all reasonable times during office hours except as otherwise provided herein. Names and addresses of voters may be copied from the registration lists, only in the office of the board, and during office hours; but no such copying shall be permitted during the period of thirty days preceding and ten days succeeding a primary or general election, if such copying shall, in the opinion of the board, interfere with the necessary work of the office. The board shall keep in convenient form and available for public inspection a correct set of the registration lists of all precincts in the city.

## REGISTRATION OF ABSENT VOTER:

**Sec. 4785-55.**

SECTION 55. Any person who will be lawfully entitled to vote at any primary, general or special election in a registration precinct may go before the clerk at the office of the board, and, on making and subscribing an oath before him or one of his assistant clerks that he will necessarily and unavoidably be absent from such precinct on all the days appointed or allowed by law for the general registration of electors by the registrars of the precinct in which he resided, and more than fifty miles distant therefrom, the clerk, if satisfied, shall thereupon file such affidavit and make registration of such person in such precinct, on compliance of such applicant with the requirements of law for general registration and his signature to the statement prescribed, and no further registry of such applicant shall be necessary.

## REGISTRATION OF NATURALIZED VOTERS:

**Sec. 4785-56.**

SECTION 56. In each county containing a registration city the board of elections shall act as a board of registration of naturalized voters in such city. It shall receive and record any certificate of naturalization offered to it by a naturalized citizen in person who is then an elector of such city and requests that such certificate be put on record by the board, and states under oath or affirmation his age, his place or places of residence during the five years preceding such statement and the length of time he resided in each such place. Thereupon the board, by its clerk or an assistant clerk, shall place such certificate of naturalization on record together with a record of the statements of the applicant, and they shall be matters of public record. Such registration or certificate of naturalization may be made on any day and at any time during which the office of the board or one of its branch offices is open for the transaction of ordinary business, except on election days and during the ten days preceding, and on the days for registration of electors held in precincts.



## REGISTRATION OF DISABLED PERSONS:

**Sec. 4785-57.**

SECTION 57. An elector who is prevented by sickness or physical disability from appearing before the registrars at the place in the election precinct on the days for general registration, or at the board's office, or one of its branch offices, on other days, may apply to the board for registration forms. Such forms, together with the affidavit setting forth the facts as to the applicant's disability, shall be filled out and signed by such applicant, and shall be transmitted to the clerk or registrar by a reliable and responsible person, who is an elector and is personally cognizant of the sickness and disability of the applicant and of the facts stated in the affidavit. Such person shall be examined under oath by the clerk or registrars as to such matters. If satisfied that the applicant is a resident of such precinct and that he is then or on the day of the next election will be qualified to vote therein, the clerk or registrars shall enter the applicant's registration forms in the proper registration files.

## CERTIFICATE IN CASE OF MISTAKE:

**Sec. 4785-58.**

SECTION 58. When by mistake a qualified elector has caused himself to be registered in a precinct which was not his place of residence, the board, on full and satisfactory proof that such error was committed by mistake may, on his personal application and proof of his true residence, correct his registration form.

## REGISTER OF ARRIVAL AND DEPARTURE OF GUESTS:

**Sec. 4785-59.**

SECTION 59. Every landlord, proprietor, lessee or keeper of a lodging house, inn or hotel in registration cities shall keep a register in which shall be entered the name, residence, the date of arrival and departure of his guests, and the room occupied by them. This register shall be so arranged that there shall be a space on the same line in which such guest shall sign his name. The board of elections in such registration cities shall have the right throughout the year, whenever deemed necessary by them, to require the owner, lessee, or person in charge of any such hotel, inn, lodging house or dwelling to make to said board within ten days after notification, a sworn report, upon a blank to be prepared and furnished by such board, which said report shall contain a list giving the name of every person of twenty-one years and upwards who is eligible to vote and who resides in said hotel, inn, lodging house, or dwelling, together with the period he has resided therein and such other information regarding the right of any such guest to vote as shall be deemed necessary by the board.

## QUADRENNIAL GENERAL REGISTRATION:

**Sec. 4785-60.**

SECTION 60. The legislative authority of any registration city may provide by ordinance for a general registration once in every four years.



Such general registration, when so authorized, shall be held in presidential years, and the ordinance authorizing the general registration shall be passed at least one hundred and twenty days preceding the next general state election. Provision shall be made in such ordinance for defraying the expenses of such registration. If such funds are not so provided such general registration shall not be held. When such general registration is so provided the board of elections shall hold such registrations in the manner and on the dates as herein provided for general registrations. Within such period of four years all of the provisions of law relating to permanent registration shall be in full force and effect.

## POLITICAL PARTIES AND PARTY COMMITTEES.

### DEFINITIONS OF POLITICAL PARTY:

#### **Sec. 4785-61.**

SECTION 61. A political party within the meaning of this act shall be any group of voters which, at the last preceding general state election, polled for its candidate for governor in the state at least ten per cent of the entire vote cast therein for governor; or which shall have filed with the secretary of state at least ninety days before an election a petition signed by qualified electors equal in number to at least fifteen per cent of the total vote for governor at the last preceding election, declaring their intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the next succeeding election. Such petition shall be circulated, signed, verified, and the signatures thereon examined and certified to in the same manner as is required of referendum petitions. No such group of electors shall assume a name or designation which shall be so similar, in the opinion of the secretary of state, to that of an existing political party as to confuse or mislead the voters at an election. When any political party fails to cast ten per cent of the total vote cast at an election for the office of governor it shall cease to be a political party within the meaning of this act.

### CONTROLLING COMMITTEES ELECTED:

#### **Sec. 4785-62.**

SECTION 62. All members of controlling committees of political parties shall be elected by direct vote of the members of the party, except as otherwise provided herein. Their names shall be placed upon the official ballot as hereinafter provided. The person or persons receiving the highest number of votes for committeeman shall be the member or members of such controlling committee. Each member of such controlling committee shall be a resident and qualified elector of the district, ward or precinct which he is elected to represent.

### PARTY CONTROLLING COMMITTEES:

#### **Sec. 4785-63.**

SECTION 63. The controlling committees of each political party or



organization shall be a state central committee, consisting of two members, one a man and one a woman, from each congressional district in the state; a county central committee, consisting of one member from each election precinct in the city and county, or of one member from each ward in the city or township in the county, as the outgoing committee may determine; and such district, city, township, or other committees as the rules of the party shall provide. All the members of such committees shall be members of the party and shall be elected by direct vote at the primary held in the even numbered years. Candidates for election as state central committee members shall be elected at primaries in the same manner as herein provided for the nomination of candidates for state and county offices; and candidates for election as members of the county central committee shall be elected at primaries in the same manner as is provided herein for the nomination of candidates for county offices. Each party controlling committee shall elect an executive committee which shall have such powers as may be granted to it by the party controlling committee, and as may be provided by law. Existing state, district, and county committees shall continue to act and be recognized as such, until their successors are chosen as herein provided. Where a judicial or congressional district is included within a county, the county central committee shall constitute the judicial or congressional committee of such district.

#### ORGANIZATION OF COMMITTEES:

##### **Sec. 4785-64.**

SECTION 64. The members-elect of each such party central committee shall meet within fifteen days following the primary election at a suitable place and time to be designated by the retiring chairman of the respective committees. Notice of such meetings, giving the place and time, shall be sent to each member-elect by the retiring secretary of the central committee by mail and a copy of the notice shall be posted in the office of the secretary of state or board of elections, as the case may be, at least five days prior to any such meeting. The meeting shall be called to order by the retiring chairman or secretary, if there be such. If there is no such officer, or if such officer is absent, then by a member of such committee designated by the secretary of state in the case of state committees; and by a member of the board of elections of the same political party, designated by the board, in the case of county committees. A temporary chairman and secretary shall be chosen and the committee shall proceed to organize by the election of a chairman, vice-chairman, treasurer, secretary and such other officers as the rules shall provide.

#### TERMS OF SERVICE — VACANCIES:

##### **Sec. 4785-65.**

SECTION 65. All party controlling committees, the selection of which is herein provided for, shall serve for two years and until their successors are selected. In case of vacancies caused by death, resignation or removal from the precinct or district from which a committeeman was chosen,

the controlling, or if authorized, the executive committee, shall fill the vacancy for the unexpired term by a majority vote of the members of such committee.

#### LISTS FILED:

##### **Sec. 4785-66.**

SECTION 66. A list of the members of each local party committee with their addresses shall be filed with and kept in the office of the board and a list of the members of the state central committee in the office of the secretary of state. All changes in any such committees shall be reported promptly by the secretary of the committee to the board or secretary of state as the case may be. The lists of members of all such central committees shall be public records and open to inspection during office hours.

### PRIMARIES AND NOMINATIONS

#### PRIMARIES—WHEN AND WHERE HELD:

##### **Sec. 4785-67.**

SECTION 67. Primaries, in presidential years, to choose delegates and alternates to national conventions, to nominate party candidates, and to select members of controlling committees of political parties, shall be held at the usual polling places in each precinct on the second Tuesday in May next preceding the day on which the election is to be held. Primaries in the years, except presidential years, shall be held on the second Tuesday in August next preceding a general election. The polls shall be open from 6:30 o'clock a. m. until 6:30 o'clock p. m.

#### PRIMARY ELECTION OFFICERS:

##### **Sec. 4785-68.**

SECTION 68. The board of elections in each county shall have all the powers and perform all the duties in connection with primary elections as are imposed by law governing general elections. The regular judges and clerks of election shall be the judges and clerks of primary elections, and shall be given the same powers, shall perform the same duties, and shall be subject to the same penalties as are provided by law for the conduct of general elections.

#### CANDIDATES—HOW DESIGNATED:

##### **Sec. 4785-69.**

SECTION 69. Candidates for party nominations to state, district, county and municipal offices or positions, for which party nominations are provided by law, and for election as delegates or alternates to national or state party conventions, shall have their names printed on the official primary ballot by filing a declaration of candidacy and paying the filing fee as hereinafter provided. No person who seeks party nomination for



an office or position at a primary and fails to receive such nomination, shall be permitted to become a candidate at the following election for the same office by petition.

#### **CANDIDACY BY DECLARATION:**

##### **Sec. 4785-70.**

**SECTION 70.** Each person desiring to become a party candidate by the method of declaration shall, not later than 6:30 p. m. of the sixtieth day before the date of the primary at which such nominations are to be made, file a declaration of candidacy, accompanied by a petition, signed by at least one thousand electors of his party, from at least one-third of the counties of the state in the case of an office to be voted for by the electors of the entire state; and at least one hundred electors of his party, or five per cent of the electors who voted for the party candidate for governor at the next preceding regular state election, in the case of an office in a county or district, larger than a county and less than the state; and at least five electors of his party in all subdivisions less than a county; and shall pay the fee required by law. In case of candidates for state offices, United States senator and other candidates to be nominated in the state-at-large, such declaration shall be filed with the secretary of state. In the case of candidates for district offices where such districts include more than one county, which shall include all candidates for members of the house of representatives in the congress of the United States other than congressmen-at-large, such declaration shall be filed with the board of the most populous county in the district, which board shall forthwith certify all such nominations to the boards of each county in such district, who shall enter the names so certified on the proper ballots to be used at the primary. In the case of candidates for county, municipal, district or any other elective offices of a district or political subdivision within the county, such declaration shall be filed with the board in such county. In the case of a municipality or school district situated in more than one county, such declaration shall be filed with the board of the county containing the major portion of the population of such municipality or school district, as ascertained by the next preceding federal census, which board shall certify the same forthwith to the boards of the county or counties containing the other parts of such municipality or school district.

#### **FORM OF DECLARATION OF CANDIDACY:**

##### **Sec. 4785-71.**

**SECTION 71.** Such declaration of candidacy accompanied by the necessary petition shall be in substantially the following form:

#### **DECLARATION OF CANDIDATES—PARTY PRIMARY**

I, ....., hereby declare that I reside at No. .... street, in the..... city of ..... (or in precinct ..... township) county of ..... Ohio, and am a qualified elector therein. I am a member of the.....

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party. At the last general election I voted (did not vote) for a majority of the candidates of such party, and intend to vote for a majority of the candidates of such party at the forthcoming election. I hereby declare myself a candidate for nomination to the office of..... to be made at the primary election to be held on the..... day of....., 19...., and hereby request that my name be printed upon the official primary ballot as provided by law as a candidate of the..... party.

I further declare that if nominated and elected, I will qualify as....., and that I will support and abide by the principles enunciated by the..... party in its national and state platform.

Dated this.....day of....., 19....

.....  
Signature of Candidate.

The State of Ohio }  
County of ..... }

Personally appeared before me the undersigned, a candidate for.....in and for said county, this.....day of....., 19...., the above named....., who acknowledged the signing of the above declaration and declared to me that the statements made therein were true as he verily believed.

Signed.....

Subscribed and sworn to before me this.....day of  
....., 19....

Signed.....

.....  
(Title of officer)

#### PETITION FOR CANDIDATE:

##### **Sec. 4785-72.**

SECTION 72. Attached to each declaration of candidacy shall be a petition signed by the required number of electors, as follows:

#### PETITION FOR CANDIDATE

We, the undersigned, qualified electors of the state of Ohio, and of the county, (city, district, township, ward and precinct) set opposite our names, and members of the..... party, hereby certify that..... who resides at.....city (or township) of .....in the county of.....and who is a candidate for the office (or position) of..... to be voted for at the primary next hereafter to be held, and whose declaration of candidacy is herewith filed, is a member of the.....party, and is, in our opinion, well qualified to perform the duties of the office for which he is a candidate.



Signature                      Residence                      Municipality (or County)

.....

.....

.....

.....

.....

The State of Ohio                      }

County of ..... }

Personally appeared before me this.....day of  
....., 19.....  
who acknowledged the signing of the above certificate and took  
oath that the above signatures were made in his presence and  
are the signatures of the persons whose names they purport to be.

Subscribed and sworn to before me this.....day of  
....., 19....

Signed.....  
.....  
(Title of officer)

In case of a petition for a candidate for member of a party controlling committee the five persons signing such petition of candidacy shall subscribe and swear to (or affirm) the same before any person authorized by law to administer an oath or take an affirmation.

**FEES REQUIRED WITH DECLARATION:**

**Sec. 4785-73.**

**SECTION 73.** At the time of filing a declaration of candidacy for nomination for any office each candidate shall pay a fee of one-half of one per cent of the annual salary of such office; but in no case shall such fee be more than fifty dollars. All such fees shall forthwith be paid by the officer receiving them into the treasury of the state in the case of fees received by the secretary of state, and into the treasury of the county to the credit of the county general fund in the case of fees received by a board of elections.

NOMINATION OF CANDIDATES FOR PRESIDENTIAL ELECTORS:

**Sec. 4785-74.**

**SECTION 74.** Candidates for presidential elector shall be nominated by delegate state conventions, the delegates to which shall be chosen at a primary election which shall be held on the second Tuesday in May 1982, and similarly every fourth year thereafter. The state committee of each political party shall determine the time and place for holding the state convention of such party and shall apportion the delegates and alternates throughout the state in proportion to its party vote for governor cast in the several counties at the last preceding general election. Each

state committee shall also by resolution determine the ratio of representation in such state convention. In addition to nominating candidates for presidential elector such state convention shall formulate the state party platform for that year.

In the year 1930 and every fourth year thereafter, the candidates for state offices, except judicial offices, the candidates for member of the General Assembly, the members of the state executive and central committees and the chairmen of the county central and executive committees of each political party shall meet at such place and time as the state central committee of such party may designate and shall forthwith formulate the state platform of such party, and such platform shall be made public when so formulated.

#### NATIONAL CONVENTION DELEGATES:

##### **Sec. 4785-75.**

SECTION 75. At the primary election which shall be held on the second Tuesday in May in the year 1932, and similarly in every fourth year thereafter, delegates and alternates-at-large to the national conventions of the different political parties shall be chosen by direct vote of the electors in the manner prescribed in this chapter for the nomination of candidates for state offices, and candidates for election as delegates and alternates to such conventions from districts within the state shall be chosen by direct vote of the electors in the manner prescribed in this chapter for the nomination of candidates for district offices. Each person seeking to be elected as delegate or alternate to such national convention shall file with his declaration of candidacy and certificate, a statement in writing signed by him in which he shall state his first and second choice for nomination as candidate of his party for the presidency of the United States; and the secretary of state shall not permit any declaration of candidacy and certificate of a candidate for election as such delegate or alternate to be filed unless accompanied by such statement in writing; providing always, however, that the name of no candidate for the presidency shall be so used without his written consent. The name of such first and second choice for nomination as candidate for the presidency of each candidate for election as such delegate or alternate shall be printed and appear on the primary ballots immediately below the name of such candidate in such a way as to clearly disclose the preference of each candidate. Each candidate for election as such delegate or alternate may also file along with his declaration of candidacy and certificate a statement in writing signed by him in the following form:

##### Statement of candidate for election

as { delegate }  
as { alternate } to the (here insert name of political party) national convention.

I hereby declare to the voters of my political party in the state of Ohio that, if elected as { delegate }  
as { alternate } to their national party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have been selected at this pri-



mary by the voters of my party in the manner provided in this chapter as their candidate for such office.

For signature of candidate for { .....  
 { alternate }  
 { delegate }

#### PRESIDENTIAL PRIMARY:

##### **Sec. 4785-76.**

SECTION 76. At the presidential primary election the qualified voters of the several political parties shall be given an opportunity to express their preference as to the nominee for their respective parties for president and vice-president of the United States in the following manner: Nomination papers for each candidate for nomination for president or vice-president may be filed in the same manner as for candidacy for a state office, except that any such candidate may designate in writing any duly qualified elector of the state who is a member of the same political party as his representative, who may sign the declaration herein provided for, in which case such candidate for nomination as president or vice-president shall not be required to sign or file any petition, affidavit, declaration, statement or paper of any kind to get his name upon the ballot in such primary.

Any candidate for nomination for the office of president or vice-president, may on or before the forty-fifth day before the date of such primary, withdraw his name as a candidate for such office and notify the secretary of state that he is not a candidate for such nomination and that he does not wish his name to be printed upon the ballot for such primary, in which event the secretary of state shall not cause or permit such name to be, or appear, on such ballot; and shall so notify all boards of elections in the state.

#### PRESIDENTIAL PRIMARY BALLOTS:

##### **Sec. 4785-77.**

SECTION 77. Not less than forty-five days before the primary election the secretary of state shall certify the names of all candidates for nomination for the office of president and vice-president and candidates as delegates and alternates to the national conventions, to the boards of the several counties in the state who shall enter such names on the ballots containing the names of candidates for other party nominations. Separate tickets shall be provided for each political party on which the names of the candidates of such party shall be printed. The names of the candidates shall be arranged in the following order: president; vice-president, delegates and alternates, and rotated as provided in the case of primary ballots. Such tickets shall conform, as nearly as practicable, to the form of the ballot provided in this act for the nominations of candidates for state offices. The ballots voted at such election shall be deposited in separate ballot boxes for each political party and shall be counted and the result of the vote thereon certified by the boards of the several counties of the state to the secretary of state in the manner provided for counting the ballots and certifying the returns of the vote at such primary for candidates for the nomination as state officers. The secretary of state shall canvass the returns in the manner provided by law



for canvassing the returns in the case of candidates for nomination to state offices; and shall forthwith certify the results of such canvass as regards the candidates for nomination in such political party to the persons chosen as delegates or alternates to the national convention of such party.

#### PROTESTS AGAINST CANDIDACY:

##### **Sec. 4785-78.**

SECTION 78. Protests in writing against the candidacy of any person seeking to become a candidate for nomination of any political party may be filed only by a member of such party or by the controlling committee thereof. Such protests shall be filed with the secretary of state in all cases in which the declaration of candidacy shall have been filed with him; and in cases in which such paper shall have been filed with a board of elections of a county the protests shall be filed with such board. In the case of protests filed with the secretary of state he shall hear and determine the same and his decision shall be final. In the case of protests filed against the candidacy of a person in a district comprising more than one county the same shall be heard and determined by the chairmen and clerks of the boards of the several counties comprising such district, acting as a board for this purpose and their decision shall be final. In the case of protests filed against candidates for county offices or offices of a district lying within a county, the same shall be heard and determined by the board of such county and its decision shall be final. In cases of candidates for offices in municipalities situated in more than one county, the protest shall be submitted to the board of the county in which the declaration of candidacy was filed and its decision shall be final. If it is found that such candidate is not an elector of the state, district, county, ward or precinct in which he seeks to become such party candidate, or has not fully complied with the provisions of law as herein provided, his name shall be withdrawn and shall not be printed upon the ballot; but no declaration of candidacy shall be rejected for mere technical defects.

#### NOMINATIONS CERTIFIED:

##### **Sec. 4785-79.**

SECTION 79. Not less than forty-five days before the date of any primary election the secretary of state shall certify to the several proper boards the nominations filed with him together with forms of official ballots for use by each board, and such board shall cause all such nominations to be entered on the proper primary ballots in their respective counties.

#### FORM OF PRIMARY BALLOT:

##### **Sec. 4785-80.**

SECTION 80. Separate ballots shall be provided for each political party entitled to participate in such primary. Such ballots shall contain the names of all persons whose names have been duly presented and not withdrawn. The names of candidates on all such primary ballots shall be printed in rotation. The whole number of ballots to be printed shall



be divided by the greatest number of persons whose names have been duly presented for any office and not withdrawn, and the quotient shall be the number of ballots in each series of ballots to be printed as follows: the names of candidates shall be arranged in alphabetical order and the first series of ballots printed; then the first name shall be placed last and the next series printed, so shall the process be repeated until each name shall have been printed first. The ballots shall then be combined in tablets by selecting one from each series of ballots in regular order, and so repeating, so that no two of the same order of names shall be together, except when there is but one candidate for any such nomination. At the bottom of each list of names of candidates for an office there shall be provided on each ballot, blank spaces, in which the elector may write the name or names of a person or persons for such office. Such ballots shall conform with the following requirements:

- a. Across the head of each shall be printed in plain bold-faced type the words "OFFICIAL.....BALLOT."  
(name of party)
- b. The names of all candidates for an office shall be arranged on the ballot in a group under the title of that office.
- c. All such ballots shall bear on the back the official signatures of the members of the board immediately below the printed words "Official primary ballot" and the name of the party for which such ballot is printed, and the date of the primary.

The face of the primary ballot below the stub shall be substantially in the following form:

OFFICIAL.....PRIMARY BALLOT

(name of party)

- a. Mark only with black lead pencil.
- b. To vote for a person mark a cross (X) in the square to the left of the name of the person for whom you desire to vote.
- c. If you tear, deface or wrongly mark this ballot return it and obtain another.

Vote for one	FOR GOVERNOR
	John Smith
	William J. Burke
	Richard Roe

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Vote for one	FOR LIEUTENANT GOVERNOR
	Mary Miller
	Jonathan Edwards
	Helen Hunt
Vote for five	FOR STATE REPRESENTATIVE
	Paul J. Jones
	Ernest N. Moore
	Mary L. Collins
	William Higgins
	Edward Pratt
	James E. Mills

The primary ballots shall conform to the provisions herein required of election ballots as to the order of offices, kind and quality of paper, and the printing thereof after receiving bids.

#### PRIMARY ELECTION—HOW CONDUCTED:

##### **Sec. 4785-81.**

SECTION 81. Party primaries shall be held at the same place and time; but there shall be separate poll books, tally sheets and ballot boxes provided at each polling place for each party participating in the election and the ballot of each voter shall be placed in the ballot box of the party with which he is affiliated. Each ballot box shall be plainly marked with the name of the political party whose ballots are to be placed therein, by letters pasted or printed thereon, or by a card attached thereto or both, and



so placed that the designation may be easily seen and read by the voter.

#### WHO MAY VOTE:

##### **Sec. 4785-82.**

SECTION 82. At such primary election every qualified voter who is or who will attain the age of twenty-one years on or before the date of the next general election and who is a member of the party as herein provided shall be entitled to vote at such primary. It shall be the duty of the witnesses and challengers and of the judges and clerks of election, and the right of any elector, whenever there is reason to doubt the legality of any vote that may be offered, to interpose a challenge. The cause of a challenge shall be: that the person challenged is not a legally qualified elector; that he has received or been promised some valuable reward or consideration for his vote; that having previously voted he was not previously affiliated with the party whose ticket he now desires to vote. Party affiliation shall be determined by the largest number of candidates of any one party voted for by the electors at the last general election held in even numbered years.

#### OATH OF CHALLENGED PERSON:

##### **Sec. 4785-83.**

SECTION 83. Before any challenged person shall be allowed to vote he shall make and subscribe to an affidavit, duly sworn to, before one of the judges who are hereby authorized and empowered to administer such oaths, blanks for which shall be furnished by the board, giving name, age, residence, length of residence in the precinct, county and state, party affiliations at the next preceding state election, form of affidavit, and all other facts necessary to determine whether he is entitled to vote in such primary, which affidavit shall be returned to the office of the board with the poll books and tally sheets.

#### VOTE REJECTED—WHEN:

##### **Sec. 4785-84.**

SECTION 84. If a person challenged refuses to be sworn, or being sworn, refuses to answer any questions; or if his answers or his voting record shows that he lacks any of the qualifications herein required to make him a qualified elector at such primary or a member of such party, his vote shall be rejected. The judges, or either of them, shall have the power to make further investigations; and he or they may call and examine witnesses as to the qualifications of the person challenged. If the judges of the party to which the person asking the ballot claims affiliation are not satisfied that he is a legal voter under this act they shall reject his vote.

#### COUNTING THE VOTES:

##### **Sec. 4785-85.**

SECTION 85. At the close of polls, the judges and clerks shall proceed without delay to canvass the vote, sign and seal it, and make



returns thereof to the board forthwith on the forms to be provided by the board. The provisions of this act relating to the accounting for and return of all ballots at general elections shall likewise apply to primary ballots. If there are any ballots cast concerning the legality of which there is any doubt or difference of opinion in the minds of the judges of elections, they shall not be counted for any candidate but shall be sealed up and marked "disputed ballots" and returned to the board of elections. The board shall, on the day when the vote is canvassed, open such sealed envelopes, determine what ballots and for whom they should be counted, and proceed to count and tally the votes on such ballot.

#### CANVASS OF VOTE:

##### **Sec. 4785-86.**

SECTION 86. On the Thursday following the primary at ten o'clock a. m. the board in each county shall meet and canvass the vote and certify the results or declare the same in the manner hereinafter provided. The executive committee of any party participating in the primary may each have one representative present during the canvass of the vote. In the case of candidates for nomination by primary whose nomination papers are required to be filed with the secretary of state such boards shall, on blanks provided for that purpose, make full and accurate returns of votes cast for each candidate; and shall forthwith certify duplicate copies thereof to the secretary of state who shall forthwith proceed to canvass all of the votes cast for the respective candidates above mentioned and shall declare the result. He shall, not less than forty-five days before the election, certify the same, together with a form of official ballot therefor, to the boards of elections in the several counties of the state.

In the case of nominations for offices in districts comprising more than one county, the board in such counties shall certify the results of the primary as regards such district candidates to the board of the county in such district in which the nomination papers were originally filed, which board shall forthwith proceed to canvass all of the returns so made of the votes cast for the respective candidates and shall declare the results. Not less than forty-five days before the election such board shall certify the names of the successful candidates to the boards of the several counties comprising such district to be placed on the election ballot. In case of nominations for offices within a county, the results of the primary shall be declared by the board of such county.

#### NAMES WRITTEN ON BALLOT:

##### **Sec. 4785-87.**

SECTION 87. In case of any office for which nominations are sought to be made at any primary election, and for which no declarations of candidacy have been filed within the time prescribed by law, the board shall provide on the primary ballot space for writing in names. No valid nomination shall be made for such office unless the name of the person attempted to be nominated and receiving the highest number of votes for



said office shall have been written on at least eight per cent of all the ballots containing such vacancy which have been voted at such primary election.

#### DELEGATES AND PARTY COMMITTEEMEN:

##### **Sec. 4785-88.**

SECTION 88. When delegates and alternates to a national or state convention and members of party committees are elected at any such primary, the returns shall be made and canvassed in the same manner as for the election of state, district and county offices. The election authorities shall issue and deliver to such persons, as have been elected, certificates of their election. A list of such delegates and alternates, and party committeemen who may have been chosen shall be filed and kept in the office of the secretary of state or the board of elections, as the case may be, for a period of two years.

#### TIE VOTES:

##### **Sec. 4785-89.**

SECTION 89. When at any primary there is a tie vote for nomination or election in any case in which the nomination papers have been filed with the secretary of state, the candidates having the highest and equal number of votes shall, after due notice, within ten days and in the presence of the secretary of state and at the time and place to be fixed by him, determine the result by lot. If they fail to do so the secretary of state shall determine the result in a similar manner. In the event of a tie vote in other cases the candidates having the highest and equal number of votes, shall, after due notice within five days in the presence of the board with which the nomination papers were filed and at a time and place to be fixed by such board, determine the result by lot. If the candidates fail to do so such board shall determine the same in a similar manner.

#### NOMINATIONS BY PETITION:

##### **Sec. 4785-90.**

SECTION 90. Nominations of candidates for members of boards of education, and for all elective offices in a township or in municipalities having, according to the next preceding federal census, a population of less than two thousand, except as otherwise provided by law, shall be made only by petitions signed in the aggregate for each candidate by not less than one per cent of the qualified electors voting at the next preceding election for the office of governor in the school district, township, village or municipality; provided that no such nominating petition shall require more than five thousand nor less than twenty-five signatures. In case of nominations for a district larger than a county at least one-half of the signatures shall be obtained from one-half of the several counties in such district. If the electors of any such township or municipality, except charter municipalities, shall file with the board a petition, not later than 6:30 of the sixty-fifth day preceding said election signed

by a majority of such electors as determined by the number of votes cast in such township or municipality at the last general election, asking that candidates be nominated as party candidates in the same manner as are candidates for county offices, then all nominations of party candidates in such township or municipality shall be made in such manner.

#### NOMINATIONS OF INDEPENDENT CANDIDATES:

##### **Sec. 4785-91.**

SECTION 91. Nominations of candidates for offices, in addition to the nominations made at party primaries, may be made by petitions signed for each candidate by qualified electors of the state or the district or county for which such candidates are nominated, not less in number than one per cent of the qualified electors voting at the next preceding general election for the office of governor in any such county, district, municipality or in the state. In case of such independent nominations for a district larger than a county, at least one-half of the signatures shall be obtained from one-half of the several counties in such districts. In the case of state candidates, at least one-half of such signatures shall be obtained from one-third of the counties in the state.

The form of the nominating petitions shall be substantially as follows:

#### NOMINATING PETITION

For Office Of.....

We, the undersigned qualified electors of the state of Ohio and of the county (city, ward, school district, or township) set opposite our names, hereby present..... whose residence is.....in the county of .....as a candidate for the office of..... in the county (city, ward, school district, or township) of..... to be voted at the election next hereafter to be held. We individually pledge ourselves to support and vote for the above candidate for the above office at said election and that we have not signed the petitions of more candidates than there are candidates to be elected for said office.

Signature.....

Name	Street and Number	City or Township	County
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

We hereby constitute the following persons, or petitioners, as a committee to represent said candidates:

Committee of Five Persons	Residence
.....	.....
.....	.....
.....	.....
.....	.....



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.....  
State of Ohio }

County of ..... }

....., being duly sworn, deposes  
and says that he is the circulator of the foregoing petition paper  
containing.....signatures, and that the signatures appended  
thereto were made in his presence and are the signatures of the  
persons whose names they purport to be.

Signed .....

Address .....

Subscribed and sworn to before me this.....day of

....., 19....

Signed.....

.....  
(Title of officer)**FILING NOMINATION PETITION:****Sec. 4785-92.**

**SECTION 92.** All separate petition papers comprising the nominating petition of a candidate shall be assembled and filed with the election authorities as one instrument; and shall be accompanied by the acceptance of such person whose name has been submitted as a candidate. In the absence of such acceptance, signed in person by the candidate, his name shall not appear on the ballot. Such nominating petitions of candidates shall be filed with the same election authorities as is provided for the filing of declaration of candidacy, not less than sixty days previous to the date of election; and when filed with the secretary of state, in the case of state petitions, or with the board of elections in the largest county in the case of district petitions, such authorities shall transmit immediately to the boards of elections in the several counties affected the portion of such petition containing signatures from such counties. Such petition papers shall be preserved and opened under proper regulations to public inspection for at least five days, during which time objections may be filed thereto, and be heard by the secretary of state or the board, as the case may be. When any such objection is so made, or any question so arises, notice thereof shall forthwith be mailed to the candidates affected thereby. Such objections or other questions shall be heard by the secretary of state or the board, as the case may be, and the findings and the decision made thereon, shall be final. In the event of a disagreement, or if no decision can be arrived at by a board, the matter in controversy shall be submitted to the secretary of state, who shall forthwith decide the question so submitted to him. If no objections are filed and if, after the investigation, the board finds that the petitions conform to the requirements of the law, they shall be deemed to be valid and the portions of the petitions with the board's findings shall be transmitted to the secretary of state or to the board of elections in the largest county of the district, as the case may be.



**SUFFICIENCY OF PETITIONS:****Sec. 4785-93.**

SECTION 93. The board of elections shall examine all petitions filed in the office, within five days after the filing thereof, and determine the sufficiency of such petitions. If any petition is found insufficient, the committee filing such petition and the candidate in whose behalf such petition is filed shall be forthwith notified by the clerk. Such notification shall contain a statement of the reasons for such insufficiency. Any candidate or committee whose petition has been declared insufficient shall be heard by the board, if they so request, within one week after the petition was held to be insufficient.

**FILLING VACANCIES:****Sec. 4785-94.**

SECTION 94. Vacancies occurring in party nominations on the ballot shall be filled by the executive committee of such party. Vacancies on a ballot in a list of two or more candidates nominated by petition may be filled by the committee of five named in such petition authorized to represent the signers of such petition. When any such vacancy is to be filled, the chairman and secretary of such committee, after names have been chosen to fill such vacancies, shall thereupon make and file with the proper officer a certificate setting forth the names of the persons chosen, the office for which nominated, the name of the person for whom the new nominee is to be substituted, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination; and upon being filed with the secretary of state at least forty days, or with the board at least forty days before the day of election, shall have the same force and effect as an original certificate of nomination.

**CERTIFIED COPIES OF CERTIFICATES:****Sec. 4785-95.**

SECTION 95. Immediately after the expiration of the time within which certificates of nomination and nominating petitions may be filed and within which objections thereto may be made as provided in the preceding sections, they shall be certified as follows: The secretary of state shall certify the nominations so filed with him, together with a form of official ballot therefor, to the several boards of the counties of the state forty days before an election. The board of the district or subdivision with whom the certificates of district or subdivision nominations have been filed shall immediately certify such nominations to the board in each of the other counties in such district or subdivision forty days before an election. The board of the county containing the majority population of a municipality situated in two or more counties shall immediately certify to the board or boards of the other county or counties, copies of the certificates of nominations and nominating petitions of such municipal officers or members of a board of education that have been filed with such board.



**VACANCY AFTER BALLOT PRINTED:****Sec. 4785-96.**

SECTION 96. A vacancy by the death of a candidate which occurs after the printing of the ballots may be filled by filing the proper certificate with the secretary of state at least ten days, or with the board at least five days, before the day of election. The name, office, and party of the candidate so nominated, and a blank space for marking a cross, shall be printed on adhesive slips or pasters by the board, and shall be delivered to the judges of election in each precinct before the opening of the polls and by them pasted in the proper place on the ballot before it is handed to the elector.

**PRIMARIES FOR SPECIAL ELECTIONS:****Sec. 4785-97.**

SECTION 97. When a special election is found necessary to fill a vacancy, the date of the primary shall be fixed at the same time and in the same manner, as that of the election, by the authority calling such special election; which primary shall be held at least fifteen days prior to the time fixed for such special election. Declaration of candidacy and certificates for such primary shall be filed and fees shall be paid at least ten days before the date for holding such special election.

**ELECTION BALLOTS****OFFICIAL AND SAMPLE BALLOTS:****Sec. 4785-98.**

SECTION 98. Official printed ballots shall be provided by the board of elections for each polling place at all general and special elections. Every ballot intended for the use of electors shall contain the names of all the candidates whose nomination for any office, specified on the ballot, shall have been duly made and not withdrawn; and the spaces herein required for writing in other names. The number of ballots to be provided for each precinct shall be at least ten per cent more than the total number of votes cast in the precinct at the last general election for the office of governor; except that in registration cities the number shall be at least ten per cent more than the number of registered voters.

**SEPARATE BALLOTS:****Sec. 4785-99.**

SECTION 99. At the general elections in each year there shall be separate ballots upon which shall be printed the names of all candidates for the offices to be filled and the issues to be voted upon at such election, as follows:

- a. The party column ballot upon which shall be printed the names of the candidates for president and vice president of the United States, and the names of the candidates of every party and group

of petitioners having candidates for offices for which nominations have been made at party primaries or by petition; including national, state, district, county, township and municipal offices; except such offices for which there shall be no party designations as provided by law.

- b. The non-partisan ballot on which shall be printed the names of candidates for election to judicial offices, to boards of education, and to such township and municipal offices as are required to be without party designations.
- c. The issues ballot on which shall be printed all issues to be submitted to the voters of the state and of the political subdivisions or taxing units thereof.

Each of said kinds of ballots shall be deposited in separate ballot boxes at the election, and shall be counted, tallied, and the returns thereof made thereon separately.

#### ARRANGEMENT OF PARTY BALLOTS:

##### **Sec. 4785-100.**

SECTION 100. In general the arrangement of the ballots shall conform as nearly as practicable to the plan hereinafter provided. On the party ballot the tickets of the various political parties shall be printed in parallel columns, headed by the chosen device, upon a shaded background; and the party names in the order herein provided, precedence being given to the political party which cast the highest number of votes for governor at the next preceding November election, followed by the next highest, and so on. The tickets or lists of candidates nominated by nomination papers, with their party names or designations, shall be printed at the right of and parallel with the tickets of political parties in such order as the secretary of state shall direct, precedence being given to the order herein prescribed for party tickets. No ticket or list of candidates containing more candidates for any office than are to be elected shall be printed under the name of any party. When candidates have been nominated by petition, and the group of petitioners has failed to indicate a designation, the word "independent" shall be used at the head of the column wherein the names of all such candidates shall appear. Each political party or group of petitioners whose designation contains more than eleven letters shall select an abbreviated form therefor containing not more than eleven letters, which shall be used upon the ballot whenever the board determines that the necessities of space so require. The abbreviated form shall be certified at the same time and in the same manner as party names are required to be certified. If any political party or group of petitioners fails to submit such abbreviated designation, then the secretary of state may determine the abbreviations to be used.

#### ARRANGEMENT OF NON-PARTISAN BALLOTS:

##### **Sec. 4785-101.**

SECTION 101. On the non-partisan ballots the names of candidates

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shall be arranged in a group under the title of the office in the same manner as the names of candidates are arranged on the party primary ballot. If there are candidates for the same office, but for different terms, the term for which each is nominated shall be printed as a part of the title of the office. The names of candidates for each office on such ballots, including judicial and school board candidates, shall be printed in rotation as in the case of names of candidates on the party primary ballots. At the bottom of each group as many separate spaces as there are candidates to be elected shall be left blank, in which the voter may write the names of any candidates not on the ballot, but not more than the number to be elected. The order in which the list of offices on the non-partisan ballot shall appear shall be determined by the secretary of state, and shall be transmitted to the boards of election in the several counties in his printed instructions to such boards.

#### JUDICIAL AND SCHOOL BOARD CANDIDATES:

##### **Sec. 4785-102.**

SECTION 102. The names of all candidates for election to any judicial office shall be placed upon the non-partisan ballot, in order of rank of the office without any party designation of any kind, under the title of the office, and shall be rotated as in the case of names on the primary ballot. The names of candidates for the board of education of school districts shall be placed on the ballot without any party designation of any kind. At the head of the list of school board candidates shall be the title, "For members of the board of education," the number to be elected, directions to the voter as to voting for one, two or more as the case may be; and, in city school districts, whether the candidates are to be elected from sub-districts or at-large.

#### BALLOTS ON QUESTIONS AND ISSUES:

##### **Sec. 4785-103.**

SECTION 103. Questions and issues shall be arranged, in so far as practicable, on the ballot in the following order: Constitutional amendments, state issues, county issues, city, school and village issues; and they shall be printed in the form provided for herein. At the top shall be printed the words: "Questions or issues"—above each such question or issue shall be printed a brief title, such as "Proposed constitutional amendment," "Proposed bond issue," "Proposed annexation of territory," "Proposed increase in tax rate," or such other brief title as will properly designate the question or issue. The order in which such questions or issues shall appear upon the ballot shall be determined, except as otherwise provided herein, by the secretary of state in the case of state questions or issues, and by the board in the county in case of issues in the county or one of its political subdivisions. The wording or ballot title of each question or issue shall be printed in a space defined by heavy ruled lines with two squares to the left thereof, the upper of which shall contain the word "Yes" and the lower the word "No". There shall be two similar blank squares, one on the left of that containing the word "Yes", and



one to the left of that containing the word "No". Persons desiring to vote in favor of any such question or issue shall do so by making a cross in the blank square to the left of the word "Yes"; and those desiring to vote against such question or issue shall do so by making a cross mark in the blank square to the left of the word "No" of each such question or issue. Each such question or issue shall be stated separately from all other questions or issues on the ballot. This general form of submitting questions and issues on the ballot shall take the place of and shall supersede all other forms for questions and issues now provided by law.

#### SEPARATE BALLOTS — WHEN PERMITTED:

##### **Sec. 4785-104.**

SECTION 104. If the board, by a unanimous vote of its members, shall find it impracticable to place the names of candidates for any office of a minor political subdivision in the county, or the wording of any question or issue to be voted upon in such minor political subdivision, on the ballots as herein provided, then such board may provide separate ballots therefor. All such separate ballots shall conform in quality of paper, style of printing, form of ballot, arrangement of names, and in all other ways, in so far as practicable, with the provisions relating to the printing of the general official ballot. Separate ballot boxes shall be provided for each such separate kind of ballots.

#### PRINTED FORM OF BALLOT:

##### **Sec. 4785-105.**

SECTION 105. All ballots shall be printed on the best quality No. 2 white book paper of 50 pounds weight per ream in black ink. The names of candidates shall be printed in 10 point bold face type. The title of the office shall be in bold face (lower case) type of the same size, and with the exception of heading, shall be in display in Roman type. Where the names of several persons are grouped together upon any ballot, as candidates for the same office, the ballot shall contain immediately above the names of such candidates the words "Vote for not more than..... (filling the blank space with the number of persons who may lawfully be elected to such office)". The party column ballot shall be so printed as to give each elector an opportunity to designate by a cross mark in a blank circular space, three-quarters of an inch in diameter, below the device and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and his desire to vote for each and every candidate thereon, except as he may otherwise indicate, by a cross mark in a blank enclosed space on the left and before the name of each candidate, his choice of particular candidates. The heading of each party ticket, including the name of the party, the device above, and the circle between the device and such name, shall be separated from the rest of the ticket by a heavy line; and the circle above the name of the party in which the voter is to place the cross mark, if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates; and such circle shall be surrounded by the following words, printed in heavy face nonpareil type "For a






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straight ticket mark within this circle." Each party ticket shall be separated from other party tickets and bordered on each side by a heavy boarder or a broad solid line, at least one-eighth of an inch wide, and the edges of the ballots on each side trimmed off up to the border or solid line described. The party ticket shall be in substantially the following form:

<p>Stub</p> <p>Consecutive number.....</p>
--

(Perforated line)

Device.		Device.		Device.	
					
<b>Republican Ticket</b>		<b>Democratic Ticket</b>		<b>Prohibition Ticket</b>	
	<b>For President Vice-President</b>		<b>For President Vice-President</b>		<b>For President Vice-President</b>

SEPARATE BALLOT FOR EACH PRECINCT:

**Sec. 4785-106.**

SECTION 106. In election precincts composed of a township or a part thereof, and a municipality or a part thereof, there shall be provided for all elections, separate ballots for each precinct, so as to enable electors residing in such precincts to cast their votes for the proper candidates in such precincts; and there shall be provided separate ballots for each district portion of such precinct which shall contain the names of the candidates for members of the board of education for whom the electors residing in such district are entitled to vote.

ARRANGEMENTS OF PRESIDENTIAL ELECTORS:

**Sec. 4785-107.**

SECTION 107. The names of candidates for electors of president and vice-president of any political party or group of petitioners, shall not be placed on the ballot; but shall, after nomination, be filed with the secretary of state. In place of their names there shall be printed first on the ballot the names of the candidates for president and vice-president, respectively, of each such party or group of petitioners and they shall be arranged under the title of the office. Before the names of such candidates for president and vice-president of each party or group, a single square shall be printed in front of a bracket in which the voter shall place the cross mark for the candidates of his choice for such offices. A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the secretary of state.

INSTRUCTIONS FOR VOTING PRESIDENTIAL BALLOT:

**Sec. 4785-108.**

SECTION 108. In presidential years an instruction shall be on the party ballot as follows: "A vote for names of candidates for president and vice-president is a vote for the electors of that party, the names of whom are on file with the secretary of state."

ORDER OF OFFICE ON BALLOT:

**Sec. 4785-109.**

SECTION 109. The order in which the list of offices shall appear shall be determined by the secretary of state, except that for state, county, and district offices the order shall be as follows: Governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, United States senator, members of congress, senators to the general assembly, representatives to the general assembly, county commissioners, county auditor, prosecuting attorney, county clerk, sheriff, county recorder, county treasurer, county surveyor and county coroner. Such



order, so determined, shall be uniform, in so far as practicable, in all counties and other political subdivisions of the state.

#### **BALLOTS AND STUBS:**

##### **Sec. 4785-110.**

SECTION 110. Each ballot of each kind shall have at the top thereof and above the title, a perforated stub the width of the ballot and two inches in length. Upon the stubs and above the perforated line shall be the words:

Consecutive number.....

On the back of the ballot shall be printed "official ballot," the date of the election, and facsimile of the signatures of the members of the board of elections.

#### **BALLOTS IN TABLETS:**

##### **Sec. 4785-111.**

SECTION 111. The ballots, with the stubs attached thereto, shall be bound into the tablets for each precinct which tablets shall contain at least ten per cent more ballots than there were votes cast for the office of governor in such precinct at the last preceding general election; except that in registration precincts the number shall be at least ten per cent more than the total registration in the precinct. Upon the covers of such tablet shall be written, printed or stamped the designation of the precinct for which the ballots have been prepared. All official ballots shall be printed uniformly upon the same kind and quality of paper, and shall be of the same shape, size and type.

#### **BALLOTS AND INSTRUCTIONS:**

##### **Sec. 4785-112.**

SECTION 112. The board shall cause to be printed in English in twelve point type on paper or cardboard, instructions as issued by the secretary of state, for the guidance of electors in marking their ballots. Such instructions shall inform the voters as to how to prepare the ballots for voting, how to obtain a new ballot in case of accidentally spoiling one, and, in a smaller type, a summary of the important sections of the penal law relating to crimes against the elective franchise. The precinct election officials shall cause to be posted immediately in front of or on the polling place and in each voting shelf one or more of such cards of instruction.

#### **ABSENT VOTER'S BALLOT:**

##### **Sec. 4785-113.**

SECTION 113. Ballots for the use of absent voters for every primary and election held therein shall be prepared in accordance with law as

are the regular voter's ballots in the same form and on paper of the same quality. In addition to the number of ballots provided by law for the use of the voters in the several voting precincts of the state, there shall be absent voter's ballots printed in such numbers as the board of elections shall determine to be necessary for use in their respective counties. These ballots shall be designated as "Absent voter's ballot," and shall be printed and ready for use not less than thirty days nor more than forty days before the date of the election at which the same are to be used.

#### CONTRACT FOR PRINTING BALLOTS:

##### **Sec. 4785-114.**

SECTION 114. The contract for the printing of the ballots shall not be let until after ten days' notice published once in two leading newspapers published in the county; or upon notice given by mail by the board, addressed to the responsible printing offices within the county. Each bid for such printing must be accompanied by a bond with at least two sureties, or a surety company, satisfactory to the board, in a sum double the amount of the bid, conditioned upon the faithful performance of the contract for such printing as may be awarded and for the payment as damages by such bidder to the board of any excess of cost over the bid or bids which they may be obliged to pay for such work by reason of the failure of the bidder to complete the contract. No bid unaccompanied by such bond shall be considered by the board. The contract shall be let to the lowest responsible bidder in the county, provided, however, that all ballots shall be printed within the state.

#### PROOF OF BALLOT:

##### **Sec. 4785-115.**

SECTION 115. After the letting of the contract for the printing of the ballots, as herein provided, the board of elections shall secure from the printer printed proofs of the ballot, and shall notify the chairman of the local executive committee of each party or group represented on the ballot by candidates or issues, and post such proofs in a public place in the office of the board for a period of at least twenty-four hours, for inspection and correction of any errors appearing thereon. The board shall cause such proof to be read with care and after correcting any errors shall return the corrected copy to the printer.

#### SEALING OF BALLOTS:

##### **Sec. 4785-116.**

SECTION 116. The board shall make adequate provision for the inspection of the printing of the ballots. The person to whom the contract for printing the ballots is let shall seal them securely in packages, one package for each precinct in the county or civil division in which the election is to be held, place a paper cover over them, and indicate thereon the number of ballots contained therein, and with a space to indicate the precinct, and deliver them to the board at such time and place as the board may direct. The board upon receiving such packages shall give a receipt



for them indicating the number of ballots in each package and the number of the precinct in each case.

#### CASTING AND COUNTING THE BALLOTS.

##### EQUIPMENT OF POLLING PLACES:

###### **Sec. 4785-117.**

SECTION 117. The board of elections shall provide in each precinct a polling place and provide adequate facilities at each polling place for conducting the election. The board shall provide a sufficient number of screened or curtained shelves at which electors may retire and conveniently mark their ballots, protected from the observation of others. The number of voting shelves shall be not less than one for every one hundred electors qualified to vote at such polling place. Each voting shelf shall be provided at all times with black lead pencils, instructions how to vote, and other necessary conveniences for marking the ballot. It shall be the duty of the presiding judge to see that the booths at all times are adequately lighted and contain the necessary supplies. The board shall utilize in so far as practicable rooms in school houses and other public buildings for polling places. For such use there shall be no charge made by the school authorities. When polling places are established in private buildings the board shall allow only a reasonable rental therefor. When removable buildings are supplied by the board they shall be constructed under the contract let to the lowest and best bidder, and the board shall observe all ordinances and regulations then in force as to safety. The board shall remove all such buildings from streets and other public places within thirty days after an election, unless another election is to be held within ninety days.

##### SUPPLIES FOR POLLING PLACES:

###### **Sec. 4785-118.**

SECTION 118. The board shall provide for each such polling place the necessary ballot boxes, official and sample ballots, cards of instruction, registration forms, poll books or poll lists, tally sheets, forms on which to make the precinct reports, pencils, paper and all other supplies necessary for casting, counting and recording the results of the election in each precinct. Such supplies shall include a national flag not less than two and one-half feet in length and not less than eighteen inches wide which shall be displayed at the entrance to each polling place during the time the polls are open on any registration, primary, or election day. Two or more smaller flags shall be provided as markers to be placed at a distance of one hundred feet in either direction from the polling place, which shall mark the distance within which persons, other than election officials, witnesses and challengers, police officers, and electors marking and casting their ballots, shall not be permitted to loiter or congregate. It shall be the duty of the precinct election officials and police officers to see that this requirement as to distance is observed and enforced.



**JUDGES AND CLERKS AT ELECTIONS:****Sec. 4785-119.**

**SECTION 119.** The board shall notify by mail the judges and clerks of each precinct of the date, hours and place of holding the election in their respective precincts. It shall be the duty of the precinct officials to notify the board immediately of any disability which will prevent their punctual attendance and service at the polling place. The board shall designate one of the judges of the dominant party as presiding judge whose duty it shall be to call at the office of the board on the third day preceding said election, if said judge is to serve in a non-registration precinct, and on the day before said election if said judge is to serve in a registration precinct to receive the ballots, poll books, registration forms and lists and other material to be used in casting and counting of ballots. He shall appear before the clerk, deputy clerk, or assistant clerk, shall subscribe to the oath required herein of judges and clerks and shall receive the supplies for such polling place, provided, however, the board may by resolution provide for the delivery of ballots or supplies by the police force. On Monday the day preceding the November election the judges of elections of each registration precinct shall meet at the polling place in their respective precincts promptly at seven o'clock p. m. and remain in session until at least seven-thirty p. m. At this meeting any elector may appear and challenge the vote of any person named on the registration lists of such precinct, and the word "challenged" shall be entered by the judges opposite the name of such person on such list of electors; and if he shall offer to vote at such election, the judges upon such challenge shall examine him under oath as to his qualifications as an elector in such precinct.

On the day of an election the judges and clerks shall punctually attend the polling place one-half hour before the hour fixed for opening the polls. The presiding judge shall read to them the oath of office to be taken by each. If any judge or clerk is absent at the time fixed for meeting, the presiding judge, with the concurrence of a majority of the remaining judges and clerks, shall appoint a qualified elector of the same political party as such absentee, who shall fill the vacancy or vacancies until the board of election can be notified by phone or otherwise, and shall appoint a qualified elector to fill such vacancy. The presiding judge shall assign the judges and clerks of opposite parties to their respective duties and shall have general charge of the polling place.

**CHALLENGERS AND WITNESSES:****Sec. 4785-120.**

**SECTION 120.** At any primary, special or general election any political party, supporting candidates to be voted upon at such election and any group of five or more candidates, may appoint to each or any of the polling places in the county or city as the case may be, one person, a qualified elector, who shall serve as challenger for such party or such candidates during the casting of the ballots, and one person a qualified elector, who shall serve as witness during the counting of the ballots; provided, however, that one such person may be appointed to serve as



both challenger and witness. No candidate shall be represented by more than one challenger and one witness at any one polling place. The challenger and witness serving on behalf of a political party shall be appointed in writing by the chairman and secretary of the respective controlling party committees. Challengers and witnesses serving for any five or more candidates shall have their certificates signed by such candidates. Challengers and witnesses so appointed may file their certificate of appointment with the presiding judge of the precinct at the meeting on the evening prior to the election, or with the presiding judge of the precinct on the day of the election. Witnesses shall not be admitted to the booths before the closing of the polls except for the purpose of filing their certificates. Upon the filing of such certificate the person named as challenger therein shall be permitted to be in and about the polling place during the casting of the ballots and shall be permitted to watch every proceeding of the judges and clerks from the time of the opening until the closing of the polls. Any such witnesses so appointed shall have the right to inspect the counting of the ballots in the precinct from the time of the closing of the polls until the counting is completed and the final returns are certified and signed. It shall be the duty of the judges of elections to protect such challengers and witnesses in all of the rights and privileges granted to them by this act.

No persons other than the judges and clerks of elections, the witnesses and a police officer, or other persons who may be detailed to any precinct on request of the board of elections, or the secretary of state or his legal representative, shall be admitted to the polling place after the closing of the polls until the counting, certifying and signing of the final returns of each election have been completed.

Not later than five days prior to an election at which a question or questions are to be submitted to a vote of the people, any committee which in good faith advocates or opposes a measure, may file a petition with the board of elections of any county asking that such petitioners be recognized as the committee entitled to appoint witnesses to the count at such election, as herein provided. If more than one committee alleging themselves to advocate or oppose the same measure file such petitions, the board of elections shall decide and announce by registered mail to each committee not less than three days immediately preceding the election, which committee is entitled to appoint such witnesses. Such decisions shall not be final but any aggrieved party may institute mandamus proceedings in the common pleas court of the county wherein such board of elections has jurisdiction to compel the judges of elections to accept the appointees of such aggrieved party. Any such duly recognized committee may appoint a challenger, and a witness to the count in each precinct. A person so appointed shall file his certificate of appointment with the presiding judge in the precinct in which he has been appointed to serve. Witnesses shall file their certificates before the polls are closed. In no case shall more than six such challengers and six witnesses be appointed for any one election in any one precinct. If more than three questions are to be voted on, the committees which have appointed challengers and witnesses as herein provided, may agree upon not to exceed six challengers and six witnesses, and the judges of elections shall appoint such challengers and witnesses. If such com-



mittees fail to agree, the judges of elections shall appoint six challengers and six witnesses from the appointees so certified in such manner that each side of the several questions shall be represented.

No such challengers and witnesses shall receive any compensation from the county, city, village or township, and they shall take the following oath, to be administered by one of the judges of elections:

"You do solemnly swear that you will faithfully and impartially discharge the duties as an official challenger and witness, assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of their qualification as electors, and that you will not disclose or communicate to any person how any elector has voted at such election."

#### BALLOT BOXES AND SUPPLIES:

##### **Sec. 4785-121.**

SECTION 121. Before the opening of the polls the package of supplies and the ballot boxes shall be opened in the presence of the precinct officials. The ballot boxes, the package of ballots, registration forms and other supplies shall at all times be in full sight of the challenger or witnesses as the case may be, and no ballot box or unused ballots during the balloting or counting shall be removed or screened from their full sight until the counting has been closed and the final returns completed and the certificate signed by the judges and clerks.

#### LOST BALLOTS AND SUPPLIES:

##### **Sec. 4785-122.**

SECTION 122. If by accident or casualty the ballots or other required papers, lists or supplies shall be lost or destroyed, or in case none has been delivered at the polling place, or if during the time the polls are open additional ballots or supplies are required, the board, upon requisition by telephone, or in writing and signed by a majority of the election judges of such precinct stating why such additional supplies are needed, shall supply them as speedily as possible.

#### OPENING AND CLOSING THE POLLS:

##### **Sec. 4785-123.**

SECTION 123. On the day of the election the polls shall be opened by proclamation by the presiding judge, or in his absence by a presiding judge chosen by the judges and clerks, at the hour of six-thirty (6:30) o'clock a. m. and shall be closed by proclamation at the hour of six-thirty o'clock (6:30) p. m., unless there are voters waiting in line to cast their ballots, in which case the polls shall be kept open until such waiting voters have voted.

#### AUTHORITY OF PRECINCT OFFICERS:

##### **Sec. 4785-124.**

SECTION 124. It shall be the duty of all judges and clerks of election



to enforce peace and good order in and about the place of registration or election. They shall especially keep the place of access of the electors to the polling place open and unobstructed, prevent and stop any improper practices or attempts tending to obstruct, intimidate or interfere with any elector in registering or voting. They shall protect challengers and witnesses against molestation and violence in the performance of their duties, and may eject from the polling place any such challenger or witness for violation of any provision of the election laws. They shall prevent riots, violence, tumult, or disorder. In the discharge of these duties they may call upon the sheriff, police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election law, but such arrest shall not prevent such person from registering or voting if he is entitled so to do. The sheriff, all constables, police officers and other officers of the peace, shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws.

#### **DUTY OF POLICE:**

##### **Sec. 4785-125.**

SECTION 125. It shall be the duty of the officer or authority having command of the police force of any municipality or the sheriff of any county, on requisition of the board or the secretary of state, promptly to detail for service at the polling place in any precinct of such municipality or county such force as the board or secretary of state may deem necessary. On every day of election such officer or authority shall have a special force in readiness for any emergency and for assignment to duty in the precinct polling places. At least one policeman shall be assigned to duty in each precinct on each day of a general registration or election, when requested by the board of elections or the secretary of state. Such police officer, so assigned, shall have access at all times to the polling place, and he shall promptly place under arrest any person found violating any provisions of the election laws.

#### **NO LOITERING NEAR POLLS:**

##### **Sec. 4785-126.**

SECTION 126. During the receiving and counting of the ballots or registering of electors, no person or persons shall loiter or congregate within one hundred feet of the polling place at any election or place of registration of electors, or in any manner hinder or delay an elector in reaching or leaving the place fixed for registration or casting his ballot; or within such distance of one hundred feet, give, tender or exhibit any ballot or ticket to any person other than his own ballot to the judge of elections; or exhibit any ticket or ballot which he intends to cast, or solicit or in any manner attempt to influence any elector in casting his vote. No person, not an election official, or employe, or witness, challenger or police officer, shall be allowed to enter the polling place during the election, except for the purpose of voting. No more electors shall be allowed to approach the voting shelves at any time than there are voting



shelves provided. The judges of election and the police officer shall strictly enforce the observance of this requirement.

#### RECEIVING THE BALLOT:

##### **Sec. 4785-127.**

SECTION 127. When an elector appears in the polling place to vote, he shall announce his full name to the judge in charge of the ballots and give his address. The judge in non-registration precincts shall write the next consecutive number upon the stub or stubs, tear the ballot or ballots from the stub or stubs, and hand them to such elector. If his right to vote is not challenged, the clerk shall write his name in the poll book provided for that purpose by the board. In registration precincts the elector shall write his name on the poll list provided therefor. The board shall provide poll lists of voters containing the names of all registered voters appearing upon the lists posted on the precinct booth, and not cancelled as provided by law, together with a typewritten list of all voters permitted to change their polling place after the lists were prepared. Such lists of voters shall be arranged in sheets or in pamphlet form either alphabetically or in geographical order by streets under the names of the streets and all such names on the lists shall be separated by a ruled line, and space shall be provided after the name in which the voter before he receives his ballot shall write his name after his name. The signature shall then be compared with the signature on the voter's registration form and if the signature, in the opinion of the majority of judges and clerks, is the same as the original signature of such voter on the registration form, the clerk shall insert the date of the election on such voter's registration form. The judge in charge of ballots shall then write in the next consecutive number on the stub, tear the ballot from the stub, and hand the ballot to said elector, who shall retire to one of the booths to mark his ballot. No mark shall be made on such ballot which would in any way enable any person to identify the person who cast such ballot.

#### CHALLENGED VOTERS:

##### **Sec. 4785-128.**

SECTION 128. Any person registered as an elector may be challenged by any qualified elector as to his right to vote at any election. Such qualified elector may, at any time during the year, either by appearing in person at the office of the board, or by letter addressed to the board, challenge the right of such registered elector to vote. Any such challenge must state the ground upon which the challenge is made, and must be signed by the challenger giving his address and voting precinct. If, after public hearing of which both the challenger and challenged shall be duly notified, the board is satisfied that the challenge is well taken, the clerk shall so indicate on the registration cards and he shall so notify in writing the judges and clerks of the precinct. If such challenged person offers to vote at such election he shall be examined as in case of an original challenge; and if he establishes, to the satisfaction of the judges and clerks, that his disabilities have been removed and that he has a right to vote, he shall be permitted to vote.



## VOTER'S CHALLENGE AT POLLS:

**Sec. 4785-129.**

**SECTION 129.** Any person offering to vote may be challenged at the polling place by any challenger, judge or clerk of elections. If any such person is so challenged as unqualified to vote, the presiding judge shall tender him the following oath: "You do swear or affirm that you will fully and truly answer all of the following questions put to you, touching your place of residence and your qualifications as an elector at this election."

First. If the person is challenged as unqualified on the ground that he is not a citizen, the judges or one of them shall put the following questions:

1. Are you a citizen of the United States?
2. Are you a native or naturalized citizen?

If the person offering to vote claims to be a naturalized citizen of the United States, he shall, before the vote is received, either produce for inspection of the judges of election a certificate of naturalization and declare under oath that he is the identical person named therein, or state under oath when and where he was naturalized, that he has had a certificate of his naturalization, and that it is lost, destroyed, or beyond his power to produce to the judges of election. If he states under oath that, by reason of the naturalization of his parents or one of them, he has become a citizen of the United States, and when or where his parent or parents were naturalized, the certificate of naturalization need not be produced.

Second. If the person is challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election, the judges, or one of them, shall put the following questions:

1. Have you resided in this state for one year immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then the following questions:
3. When you left this state, did you leave for a temporary purpose with the design of returning, or for the purpose of remaining away?
4. Did you, while absent, look upon and regard this state as your home?
5. Did you, while absent, vote in any other state?

Third. If the person is challenged as unqualified on the ground that he is not a resident of the county or precinct where he offers to vote, the judges or one of them shall put the following questions:

1. Have you resided in this county for thirty days last past?
2. Have you resided in this precinct for twenty days last past?
3. When did you last come into this county?
4. When you came into this county, did you come for a temporary purpose merely, or for the purpose of making it your home?
5. Did you come into this county for the purpose of voting in this county?
6. Are you now an actual resident of this precinct?
7. Have you a family? If so, where does your family reside?



Fourth. If the person is challenged as unqualified on the ground that he is not of legal voting age, the judge or one of them shall put the following question:

1. Are you twenty-one years of age to the best of your knowledge and belief?

The presiding judge shall put such other questions to the person challenged under respective heads herein designated, as may be necessary to test his qualifications as an elector at the election. If a person challenged refuses to answer fully any question put to him, or is unable to answer the questions on the register as they were answered by the person under whose name he offers to vote, or refuses to sign his name, or make his mark, or if for any other reason a majority of the judges believe he is not entitled to vote, the judges shall reject his vote.

#### IMPERSONATING A VOTER:

##### **Sec. 4785-130.**

SECTION 130. If any precinct officer or challenger or other elector shall have reason to believe that a person is impersonating an elector, then such person, before he is given a ballot, shall be questioned as to his right to vote, and shall be required to sign his name or make his mark in ink on a card to be provided therefor. If, in the opinion of a majority of the precinct officers, the signature is not that of the person who signed such name in the registration forms, then such person may be refused a ballot. Such person may appeal to the board of elections and if the board finds that he is eligible to vote, an order instructing the precinct officers to permit him to vote shall be given to such person. Such order shall be recognized by such precinct officers when presented and duly signed and such person shall be permitted to vote.

#### MARKING THE BALLOT:

##### **Sec. 4785-131.**

SECTION 131. No voter shall be allowed to occupy a voting shelf already occupied by another, or to occupy a voting shelf more than five minutes, in case all the shelves are in use and voters are waiting to occupy them. Except as hereinafter provided, no voter shall be allowed to speak or converse with anyone at the voting shelf. All marks upon the ballot must be made in black lead pencil. If a voter soils or defaces a ballot so that it cannot be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so soiled or defaced. If a voter who has defaced two ballots satisfies the judge that they were defaced by accident or honest mistake, and not for fraudulent purposes, the judges shall deliver him another ballot.

The voter shall observe the following rules in marking his ballot:

1. If the elector desires to vote a straight ticket, or in other words for each and every candidate of one party for whatever office nominated, he shall, either,

(a). Make a cross mark in the circular space below the device and above the name of the party at the head of the ticket; or

(b). Make a cross mark on the left of and opposite the name of



each and every candidate of such party in the blank space provided therefor.

2. If the elector desires to vote a mixed ticket or in other words for candidates of different parties, he shall, either,

(a). Omit making a cross mark in the circular space above the name of any party and make a cross mark in the blank space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or

(b). Make a cross mark in the circular space above the name of the party for some of whose candidates he desires to vote, and then make a cross mark in the blank space provided therefor before the name of any candidate of any other party for whom he may desire to vote, in which case, the cross mark in the circular space above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross marks before the names of such candidates will cast the elector's vote for them.

3. When two or more persons for the same office are to be voted for in any precinct, as two or more representatives or other officers, and the names of several candidates therefor appear on each party ticket, grouped under the office for which they are all running, the elector who has marked a ticket in the circular space at its head, and marked one or more of a group of candidates for such office on another ticket or tickets, must in addition to marking the ticket in the circular space at its head, also make a cross mark before each one of the group of candidates for such office for whom he desires to vote on the ticket thus marked; or instead of marking the candidates for such office he desires to vote for on the ticket marked by him, he may cross out the names of candidates for such office for whom he does not desire to vote on the ticket thus marked by him to the number of candidates for such office marked by him on other party tickets, in which case his vote shall be counted for the candidates for such office not crossed out.

4. If an elector who has thus marked a party ticket in the circular space at the head thereof, and has marked one or more candidates on another ticket or tickets for an office for which there is more than one candidate on his own party ticket, fails or neglects to indicate, either by individual marks or by crossing out names, which of the several candidates for the same office on his own party ticket he desires to vote for, then the vote shall be counted only for the candidate or candidates for that office that have the distinguishing mark before his or their names.

5. If in marking either a straight or mixed ticket, a cross mark is made in the circular space above the name of a party at the head of a ticket, and also one or more cross marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the names of candidates on the ticket so marked shall be treated as surplusage and ignored and the ballot be counted for all the candidates on the ticket thus marked for offices for which no candidates on other tickets are marked. This provision is subject to the exception in the preceding paragraph when two or more persons for the same office are grouped on party tickets.



6. If the elector desires to vote for a person whose name does not appear on the ticket, he can substitute the name by writing it in black lead pencil in the proper place, and making a cross mark in the blank space at the left of the name so written.

7. If the elector marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office.

8. If a question is submitted, the elector shall make a cross mark in the blank space at the left of and before the answer which he desires to give.

9. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.

10. Every elector who does not vote a ballot delivered to him by the election officer shall, before leaving the polling place, return such ballot to such officer.

11. Before leaving the voting shelf the voter shall fold his ballot so that no part of the face of the ballot shall be visible, and so that the endorsements and facsimile signatures of the members of the board shall be visible. He shall then leave the shelf, give his name to the judge having charge of the ballot box, which officer shall call the name of the voter, and if there be no objections, shall then deposit the ballot in the ballot box in the presence of such voter. Such voter shall then immediately leave the polling place.

12. No ballot without the official endorsement, and none but ballots provided in accordance with the provisions of this act, shall be voted or be allowed to be deposited in the ballot box.

#### ASSISTING VOTER IN MARKING BALLOT:

##### **Sec. 4785-132.**

SECTION 132. Any elector who declares to the presiding judge of elections that he is unable to mark his ballot by reason of physical infirmity, and such physical infirmity is apparent to the judges to be sufficient to incapacitate the voter from marking his ballot properly, may upon request be aided by a near relative who shall be admitted to the booth with such elector, or may receive the assistance in the marking thereof of the two judges of elections belonging to different political parties, and they shall thereafter give no information in regard to this matter. The presiding judge may require such declaration of inability to be made by the elector under oath before him. Such assistance shall not be rendered for any other cause.

#### UNLAWFUL POSSESSION OF BALLOTS:

##### **Sec. 4785-133.**

SECTION 133. No judge or clerk of elections, or challenger, or police officer admitted into the polling rooms at the election, at any time while the polls are open, shall have in his possession or distribute or give out any ballot or ticket to any person on any pretense during the re-



ceiving, counting or certifying of the votes, or have any ballot or ticket in his possession or control, except in the proper discharge of his duty in receiving, counting or canvassing the votes as required by law. This prohibition shall not prevent the lawful exercise by a judge or clerk of elections, witness or challenger of his individual right to vote at such election.

#### ABSENT VOTER'S BALLOT:

##### **Sec. 4785-134.**

SECTION 134. Any qualified elector of the state who finds that he will be unavoidably absent from the precinct in which he is a qualified elector on the day of holding any primary, general, or special election a distance of more than fifty miles, or that he will be serving as judge or clerk of elections in another precinct, may vote at any such election in the manner as hereinafter provided.

#### APPLICATION FOR BALLOT:

##### **Sec. 4785-135.**

SECTION 135. Such elector, not more than thirty nor less than three days prior to the date of such election, shall make application in person or in writing to the clerk of the board of such county, for any official ballot to be voted at such election. Such application shall be made on a blank to be furnished by the clerk of the board of the county in which the applicant is an elector and shall be substantially in the following form:

#### APPLICATION FOR ABSENT VOTER'S BALLOT

Ballot to be voted at..... on the.....,  
day of....., 19....  
State of Ohio }  
County of ..... }

I, ....., do solemnly swear that I have been a resident of the state of Ohio for one year, of the county of .....for thirty days, and of the.....precinct of the.....ward of the city or township of.....twenty days next preceding this election, and that I am a duly qualified elector entitled to vote at said election; that I will be unavoidably absent from the said precinct a distance of more than fifty miles (or I will be serving as a judge or clerk of election in another precinct on the date of said election) and I hereby make application for an official ballot or ballots to be voted by me at such election, and that I will return said ballot or ballots to the officer issuing same, before the date of said election. The reasons for my unavoidable absence are: .....

.....  
Date..... Residence..... City.....  
(Street and number)  
Signed.....

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Subscribed and sworn to before me this....day of....., 19...

Signed .....

(Seal)

.....  
(Title of Officer)

If the application is made for a primary election ballot, such application shall designate the name of the political party with which the applicant is affiliated.

**BALLOT MAILED BY CLERK:****Sec. 4785-136.**

SECTION 136. Upon receipt of such application, and not more than thirty days nor less than three days prior to such election, it shall be the duty of such clerk, after he shall have satisfied himself that the applicant is a qualified elector and entitled to vote, to deliver or mail by registered letter, postage prepaid, to the applicant an official ballot or ballots. It shall be the duty of said clerks to fold the ballot or ballots, enclose them in an unsealed envelope, to be furnished by him, which envelope shall bear upon the face thereof, the name, official title and post office address of such clerk, and upon the other side a printed affidavit in substantially the following form:

State of Ohio }  
County of ..... }

I, ....., do solemnly swear that I am a resident of the precinct of the municipality (or township) of..... or of the.....ward (or district) in the city of..... residing at.....in said city, and the county of .....and the state of Ohio, and am entitled to vote in such precinct at the election to be held on....., and that I expect to be unavoidably absent from my county and my residence on the day of said election. I further swear that I marked the enclosed ballot in secret.

Signed .....

Address .....

Subscribed and sworn to before me this.....day of..... A. D. 19....; and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in the envelope; that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

Signed .....

.....  
(Title of Officer)

Seal

If the ballot enclosed is to be voted at a primary election, the affidavit shall designate the name of the political party with which the voter is affiliated.



**EXECUTION OF AFFIDAVIT:****Sec. 4785-137.**

SECTION 137. Such absent voter shall make and subscribe to the affidavit before an officer authorized by law to administer oaths, and he shall thereupon in the presence of such officer and of no other person, mark the ballot or ballots, but in such a manner that such officer cannot know how the ballot is marked; and the ballot or ballots shall then in the presence of such officer be folded by the voter so that each ballot will be separate, and so as to conceal the marking, and then in the presence of such officer be deposited in the envelope and the envelope securely sealed. The envelope shall be mailed by the voter by registered mail postage prepaid, to the board issuing the ballot, or if more convenient it may be delivered in person. Such envelope must be in the hands of the clerk of the board not later than twelve o'clock noon on the day of election. No ballots received after twelve o'clock noon on the day of election shall be counted.

**CUSTODY AND CASTING OF BALLOTS:****Sec. 4785-138.**

SECTION 138. Upon the receipt of an absent voter's ballot the clerk of the board shall put it in a secure place and it shall be kept there unopened until the same shall be delivered to the presiding judge of the proper precinct as herein provided. All envelopes containing absent voters' ballots, deposited with the board or received by mail before the delivery by such board of the election supplies to the various precinct officials, shall be opened by such board of elections and the identification envelope containing the ballot shall be distributed and delivered to the presiding judge of the home precinct of such absent voter. It shall be the duty of the clerk of the board of election to notify the presiding judge of the precinct of which any absent voter claims to be an elector of the fact that such voter has obtained an absent voter's ballot and other supplies, such notification to be made before election day and should such voter unexpectedly return to his home precinct on election day he shall not be allowed to vote there until he shall have surrendered to the judges of election the absent voter's ballot and all other supplies with which he may have been furnished.

As soon as the polls are open on election day the presiding judge shall take up each absent voter's identification envelope in the presence of all the judges and clerks and, after announcing in an audible voice the name of such absent voter, he shall tear open such envelope without defacing the affidavit or certificate printed thereon or mutilating the enclosed ballot or ballots; and then without unfolding it deposit the ballot in the proper ballot box. The name of each such voter, together with the words "absent voter's ballot" shall be written in the poll book or poll list.

If the precinct be a registration precinct, the envelope shall not be opened until the signature of the voter thereon has been compared with the signature on the registration form of the voter and has been determined by a majority of the judges and clerks to be the same as such signature.



The presiding judge shall then, without unfolding the ballot, deposit it in the proper ballot box. The words "absent voter's ballot" shall then be entered opposite the name of such elector on the poll list, and the date of the election shall be entered on his registration form.

The identification envelope shall be preserved and returned to the board of elections at the close of the polls with the unused and other ballots. The process shall be repeated with each absent voter's ballot until all such ballots have been deposited in the box. All absent voters' ballots deposited with or received by any board of elections after the delivery by such board of the election supplies to the several presiding judges as described above, and before the hour of ten o'clock a. m. on the day of the election, shall be delivered by messenger to the appropriate precinct and shall be voted immediately as herein provided.

#### **ABSENT VOTER'S BALLOT REJECTED:**

##### **Sec. 4785-139.**

SECTION 139. In case the affidavit accompanying an absent voter's ballot is found to be insufficient or that the signatures do not correspond with his registration signature, or that the applicant is not a duly qualified elector in such precinct, or that the ballot envelope contains more than one ballot of any one kind, such vote shall not be accepted or counted. Whenever it shall be made to appear to the judges of election by sufficient proof that any elector who has marked and forwarded his ballot as provided in this act has died, then the ballot of such deceased voter shall not be counted. The vote of any absent voter may be challenged for cause in the same manner as other votes are challenged, and the judges of election shall have all the power and authority given by law to hear and determine the legality of such ballot. Every such ballot not counted shall be endorsed on the back thereof "not counted" with reasons therefor, and shall be enclosed and returned to the board along with the contested ballots.

#### **DISABLED VOTERS:**

##### **Sec. 4785-140.**

SECTION 140. Any qualified elector who, on account of his own personal illness or physical disability, will be unable to travel from his home or place of confinement to the voting booth in his precinct on the day of any general, special or primary election, and not otherwise entitled to an absent voter's ballot, may apply to the clerk of the board of elections of his county in writing not earlier than fifteen days nor later than three days, prior to election day, stating the nature of his illness or physical disability and his resultant inability to travel to the election booth in his precinct on election day and making application in writing for an absent voter's ballot. Such application and statement shall be accompanied by the certificate of the attending physician or other reputable physician giving the facts relative to such illness or disability, and an affidavit signed by such disabled elector and two other qualified electors. After the clerk has satisfied himself that the applicant is a duly qualified voter and that the facts regarding such voter's illness



or disability are as stated, he shall proceed as in the case of an absent voter to furnish such elector with an absent voter's ballot and permit him to cast an absent voter's ballot.

#### **SOLDIERS' AND SAILORS' VOTE:**

##### **Sec. 4785-141.**

SECTION 141. Whenever in time of war any qualified voter of this state shall be in the actual military service of this state or of the United States, in the army or navy or militia thereof, and by reason thereof is unavoidably absent from his election district on election day, such absent voter shall be entitled to vote as fully as if he were present at his place of residence in the same manner herein provided for other absent voters. The secretary of state, in such cases, if the number of such voters exceeds one hundred, shall have authority to organize a staff to visit such headquarters and to care for the casting, sealing and return of such absent voters' ballots to their appropriate counties.

#### **CERTIFICATE OF VOTE CAST:**

##### **Sec. 4785-142.**

SECTION 142. At the time for closing the polls the presiding judge shall by proclamation announce that the polls are closed according to law. The judges and clerks shall then, in the presence of the witnesses, count the unused ballots undetached from the ballot pad, the soiled and defaced ballots and the stubs therefor, and, after checking the number with the number of ballots originally supplied by the board to see that all ballots are accounted for, shall place them with the ballots still attached to the stubs in envelopes provided for that purpose and indicate thereon the number of each kind. The number of electors entered and shown on the poll books or poll lists as having voted, shall then be first certified, signed by the board of judges and clerks, and shall also be placed in the space provided therefor in the report forms provided by the board. All such envelopes containing unused, soiled or defaced ballots, together with the report accounting for all ballots, shall be returned to the office of the board with the other returns of the election.

#### **COUNTING OF VOTES:**

##### **Sec. 4785-143.**

SECTION 143. The counting and tallying of all ballots shall be done in the presence and full view of all judges, clerks, and witnesses. The number of ballots shall first be counted. If the number of ballots exceeds the number of names on the poll books or poll lists of citizens who have voted at such election the ballots shall be replaced in the box and one of the judges, with his back to the box and without seeing the ballot, shall draw out, one by one, the number of ballots equal to such excess, and such ballots, so drawn out, shall be placed in an envelope and returned to the board of elections marked excess ballots not to be counted. The counting of the ballots shall be conducted as follows: One of the ballots shall be taken out of the ballot box by one of the judges and



opened in full view of all the judges and witnesses. If the judges all agree as to how the ballot shall be counted, one of them shall place it where it can readily be seen by the other judges and by the witnesses, and shall read aloud distinctly the names of the candidates voted for and the vote on any issues that may have been submitted; and the clerks shall tally the same directly on the tally sheets or on the test tabulation sheets to be provided therefor by the board. Tallies entered on test tabulation sheets shall later be transcribed, in the presence of the precinct officials and witnesses, to the tally sheets provided therefor by the board. Both the test tabulation sheets and the tally sheets shall be sent to the board with the other election returns and supplies. The clerks shall enter in separate columns by tallies opposite the names of the persons voted for, and opposite the questions or issues submitted, the votes for such persons and for and against such questions or issues. In the event that three of the judges do not agree as to how any part of the ballot shall be counted, no part of such ballot shall be counted, but shall be placed in an envelope provided for that purpose, marked "disputed ballots" and returned to the board of elections. The same method shall be observed in respect to all the ballots until all the ballots shall have been taken from the ballot box and counted.

#### **BALLOTS TO BE REJECTED:**

##### **Sec. 4785-144.**

SECTION 144. No ballot shall be counted which is marked contrary to law, except that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choice. A ballot shall not be considered invalid when a less number of candidates are voted for than are to be selected for any particular office; but if more persons are voted for than are to be selected for any particular office, then such ballots shall be invalid, but only in so far as that office is concerned. If a ballot contains a name printed thereon which is not found on the regular ballot it shall be deemed fraudulent. If two or more ballots are found folded together they shall be deemed fraudulent. No fraudulent ballots shall be counted; but they shall be marked "fraudulent" and be returned to the board with the contested ballots and the other election material and supplies.

#### **COUNTING TO BE CONTINUOUS:**

##### **Sec. 4785-145.**

SECTION 145. From the time the ballot box is opened and the count of votes begun, until the votes are counted and returns are made out, signed and certified as herein required, and given to the presiding judge for delivery to the board's headquarters as required herein, the judges and clerks of elections in each precinct shall not separate, nor shall a judge or clerk leave the polling place except from unavoidable necessity. In case of illness or unavoidable necessity the board of elections may substitute another qualified person for any precinct official so incapacitated.



**RESULTS OF COUNTING:****Sec. 4785-146.**

SECTION 146. When the results of the ballots have been ascertained such results shall be embodied in a summary statement to be prepared by the judges and clerks in duplicate, on forms provided by the board; one copy of which shall be certified by the judges and clerks and posted on the front of the polling place; and one copy, similarly certified, shall be transmitted forthwith and without delay to the board in a sealed envelope along with the other returns of the election. The judges shall also, whenever requested by the board, announce the results to the board from the nearest police station or from a telephone or telegraph station (if nearer to the polling place. The board shall immediately upon receipt of such summary statements compile and prepare an unofficial count and upon its completion shall transmit prepaid, immediately by messenger, telegraph, or telephone the results of such unofficial count to the secretary of state; or the board of elections of the most populous county of the district which is authorized to canvass the returns. Such count, in no event, shall be made later than twelve o'clock noon central standard time on the day following the election. The board of elections shall also, at the same time, certify the result thereof to the secretary of state, by registered mail. The board of elections shall remain in session from the time of the opening of the polls continuously until the results of the election are received from every precinct in the county, and such results communicated to the secretary of the state as herein provided.

**PRESERVING MARKED BALLOTS:****Sec. 4785-147.**

SECTION 147. Before separating, the judge and clerks shall carefully place all ballots which have been counted by them, in an envelope provided for that purpose by the board, and shall seal the envelope in such manner that it cannot be opened without breaking the seal or covering, and the presiding judge shall deliver the ballots in such sealed envelopes to the boards. At least one day before the beginning of the official count, the board, in the presence of one person duly authorized to represent each political party, group of candidates or group of electors, who, had or are permitted by law to have witnesses at the counting of the ballots, shall open the envelopes containing the uncounted ballots, and determine what part and for whom each ballot shall be counted, and shall proceed to count and tally the same. Said ballots shall be further preserved for such judicial or other investigation as may be necessary. The board shall carefully preserve all poll books, poll lists, tally and test tabulation sheets, summary sheets and other records of an election, except the ballots, for at least two years after such election. The ballots shall be preserved for thirty days after such election; and may thereafter be destroyed on order of the board, unless ordered by the secretary of state to preserve such ballots for a further period.

**POLL BOOKS AND TALLY SHEETS:****Sec. 4785-148.**

SECTION 148. After having set down the number of votes for each



person, certified and signed it in the poll books, poll lists and tally sheets in the manner prescribed by law and the regulations of the secretary of state, one copy shall be sealed and directed to the board of elections. The other copy of the poll book and tally sheet shall be sealed and directed to the clerk of the court of common pleas. The presiding judge shall deliver them to the board of elections at its office, together with the other election reports and supplies. The judge and clerks of elections shall not adjourn, disperse or cease from proceeding as hereinbefore required until all such requirements have been actually executed and completed in the manner and form prescribed by law.

Provision shall be made on the poll books and registration lists for the signature of all of the judges and clerks, certifying that the checked lists, to the best of their knowledge and belief, are correctly marked and that the lists contain the names of all electors who voted at the election.

#### DISCREPANCY BETWEEN RETURNS:

##### **Sec. 4785-149.**

SECTION 149. On written demand of any candidate, the board of elections shall compare the returns received by the board from any precinct with the certified statement posted at the polling place. If found to disagree, the number certified in the statement to the board shall be taken as correct and counted, unless proof of the accuracy of the returns posted at polling place, satisfactory to the board, shall be made by the judges, clerks and witnesses of the counting. For the purpose of adjusting such discrepancy and determining the true result of the election, such board shall summon witnesses and examine them under oath as to the proceedings and proclamations at such election in any precinct, and it may view and consider as part of the record the poll books and tally sheets, registers and lists made therefrom, and deposited, as herein provided. If the board is unable from the evidence to correct such discrepancies it shall have the authority to open and recount the ballots from any such precinct in the presence of the entire board and any interested elector, and publicly correct such returns in conformity with the results of such recount.

#### MILEAGE TO REGISTRARS AND JUDGES:

##### **Sec. 4785-150.**

SECTION 150. Judges of election designated to call for, receive and deliver to the polling places, registration forms, ballots, poll books and other supplies for any registration or election; or to carry the returns of the election or the unused supplies to the office of the board, shall receive one dollar for each such trip; and in addition thereto, except in registration cities, mileage at the rate of five cents per mile for transportation to and from the office of the board.

#### RETURNING EQUIPMENT:

##### **Sec. 4785-151.**

SECTION 151. After each election, the judges of election of each precinct, except where the board assumes the duty, shall see that the



movable booths and other equipment are returned to the clerk of the township, or to the clerk or auditor of the corporation in which the precinct is situated, for safe keeping. Such clerk or auditor shall have booths and equipment on hand and in place at the polling places in each precinct before the time for opening the polls on election days, and for this service the board may allow the necessary expenses incurred. In cities this duty shall devolve on the board.

#### CANVASS OF RETURNS:

##### **Sec. 4785-152.**

SECTION 152. After each general or special election the board of each county, within five days or sooner if all returns from election precincts have been made, shall meet at their usual place of meeting to canvass or supervise the canvassing of the returns and prepare the several abstracts required to be made. The canvass shall be made in public and shall continue daily until completed. If it shall appear that the returns from any precinct are missing, incomplete, ambiguous, or not properly authenticated, or otherwise defective, the board may cause subpoenas to be issued and served requiring the attendance before it of the election officers of any such precinct, may examine them under oath regarding the manner in which the votes were cast and counted in the precinct, how returns were prepared and authenticated, and any other matters bearing directly upon the voting in the precinct at the last election.

#### PREPARATION OF ABSTRACTS:

##### **Sec. 4785-153.**

SECTION 153. When the canvass has been completed the board shall cause to be prepared statements of the results showing:

1. Upon a single sheet an abstract of votes for president and vice president of the United States.
2. Upon another sheet an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, judge of the supreme court, United States senator and for representatives to congress and all other state offices.
3. Upon another sheet an abstract of votes for all state issues voted upon at such election.
4. Upon another sheet an abstract of votes for senators to the General Assembly and representatives to the general assembly, judges of the court of appeals, judge of the probate court, judges and clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, coroner and all other local offices.
5. Upon another sheet an abstract of votes for all local issues within the county voted upon at such election.

Such statements shall be posted on the bulletin board in the board's office and furnished to the local newspapers. Certified copies of the ab-



stracts of the votes shall be prepared on forms to be prescribed and furnished by the secretary of state. One copy of each of such abstracts shall be forwarded by registered mail to the secretary of state at Columbus. Duplicate copies of all such abstracts shall be filed in the office of the board.

#### CANVASS—STATE EXECUTIVE OFFICES:

##### **Sec. 4785-154.**

SECTION 154. The board shall also prepare a separate abstract of the returns of the election for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and attorney general, which shall be sealed and sent by registered mail directed to the president of the senate, in accordance with article III, section 3 of the constitution. During the first week of the session of the general assembly, the president of the senate shall open the abstracts of votes and declare the results in the presence of a majority of the members of each house of the general assembly. If the abstract from any county has not been received by him, recourse shall be had to the abstracts in the office of the secretary of state. If the general assembly is not in session in January next after such election for any of the executive officers of the state, the governor and secretary of state, within five days after the first Monday in January after such election, shall, in the office of the secretary of state, in the presence of at least two of the judges of the supreme court, open the returns of the abstracts made to the secretary of state for such offices. They shall forthwith proceed to ascertain the number of votes given for the different persons for the several offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and attorney general, as the case may be. The person having the highest number of votes for each of such offices shall be considered duly elected and shall be so declared by the governor. If it appears from the returns of such abstracts that two or more persons have the highest and an equal number of votes for any of such offices, the governor shall then determine by lot, in the presence of at least two judges of the supreme court, which of such persons is duly elected.

#### CANVASS OF ABSTRACTS:

##### **Sec. 4785-155.**

SECTION 155. If such abstracts have not been received from all the counties within ten days after the election, the secretary of state shall call upon the boards in such delinquent counties for such returns, or dispatch a messenger to such counties to secure such abstracts. When the abstracts from all of the counties have been received by the secretary of state and not later than December 15, he shall fix a day and hour and place for publicly canvassing the returns and notify the governor, auditor of state, and attorney general who shall attend. The chairman of the state central committee of each political party shall also be notified by the secretary of state of the day and hour of such canvass and may attend or appoint one witness to attend such canvass. Publicly and in their presence the secretary of state shall open the returns of abstracts one,



two and three herein provided for, and when they are opened cause them to be read aloud. As they are read aloud the secretary of state shall cause the figures to be compiled showing the number of votes given for each person for each such office. The abstracts of the votes on all state issues shall likewise be publicly canvassed and announced.

#### CERTIFYING ELECTIONS OF OFFICERS:

##### **Sec. 4785-156.**

SECTION 156. Except in the case of offices included in the abstract submitted to the president of the senate, the person receiving the highest number of votes for each office so canvassed in the abstracts shall be considered duly elected, and shall be declared so elected by the governor. If two or more such persons receive the highest and an equal number of votes, the secretary of state in the presence of such state officers, shall determine by lot which of such persons is duly elected. The governor shall transmit to each person so elected a certificate of his election, which shall be signed by him, sealed with the great seal of the state and countersigned by the secretary of state. The results of the vote on state issues shall likewise be publicly announced. The returns of all such abstracts shall be compiled and printed in the annual report of the secretary of state.

#### CERTIFYING ELECTION OF DISTRICT OFFICERS:

##### **Sec. 4785-157.**

SECTION 157. In case an office is to be filled by election from a district containing two or more counties, the board of the county or counties comprising such district, except the board of the county in such district having the largest population, shall, within ten days after such election, transmit by registered mail to the board of the county in such district having the largest population, an abstract showing the number of votes given in each precinct in their respective counties for each person who received votes for any office to be filled by such district. Such abstract shall be attested by the chairman and clerk of the board, and shall be canvassed by the board to whom transmitted, which board shall incorporate the vote in an abstract with returns from the precincts of the county for such office or offices. If two or more persons receive the highest and equal number of votes, the chairman in the presence of the members of the board, shall determine by lot which of such persons is duly elected. The board shall make and transmit to the person or persons elected certificates of their election, and shall notify the secretary of state that such certificates have been issued.

#### CERTIFYING ELECTION OF COUNTY AND OTHER OFFICERS:

##### **Sec. 4785-158.**

SECTION 158. The abstracts showing the returns of the election for county, township, municipal, and school district offices within the county shall be canvassed by the board, and the person receiving the highest number of votes for each office so canvassed shall be deemed elected.



If any number of persons greater than the number of offices, directed to be filled at such election, have the highest and an equal number of votes, the board shall determine by lot which of the persons is duly elected. If at an election for senators or representatives to the general assembly, there is no choice on account of two or more having received the highest and equal number of votes, the board, required to issue certificates of election therefor, shall publicly determine by lot who of those having such equal number of votes shall be elected. When it has ascertained and declared the result of an election for county, township, school district or municipal officers, the board shall make and deliver to the persons elected certificates of their election on blanks, the form of which shall be determined by the secretary of state. The canvass of the votes on all issues shall likewise be publicly made, certified and announced. Upon the payment of a fee necessary to cover the cost of the extra service the board shall make for any elector of the county an abstract of the votes cast at any such election.

#### CONGRESSIONAL CANVASS:

##### **Sec. 4785-159.**

**SECTION 159.** If it appears from the returns of abstracts, that two or more persons in any congressional district have the highest and an equal number of votes for representative to congress, the governor and secretary of state shall decide by lot which of such persons is duly elected.

The secretary of state shall transmit to each person elected to the congress of the United States a certificate of his election, which shall be signed by the governor, sealed with the great seal of the state and countersigned by the secretary of state. The same procedure shall be followed in the case of an election for member of congress to fill a vacancy.

In an election for member of congress to fill a vacancy, the board of elections of each county embraced in the district in which the election is held, within six days after the election, shall make and certify an abstract in duplicate of the votes cast at such election in their county. Such board shall file one copy of the abstract in its office and enclose the other in an envelope so endorsed as to show distinctly that it is an abstract of votes, for what office and from what county, and transmit it by registered mail without delay to the secretary of state. If the secretary of state fails to receive the abstract from any county within twelve days after such election, he shall forthwith notify the board of elections thereof, and they shall, on receipt of the notice, forthwith make and transmit to the secretary of state a certified copy of the duplicate on file in their office.

On the twenty-first day after the holding of such special election, or sooner, if all the returns have been received, the secretary of state, in the presence of the governor, or, in his absence, in the presence of the auditor of state and attorney general, who on notice given by the secretary are required to attend forthwith at the office of the secretary of state, shall open the abstracts and canvass the votes. The person having the highest number of votes shall be declared duly elected, and the governor shall forthwith transmit to him by mail a certificate of his election.

If the returns of abstracts from the counties composing a congres-



sional district are not made within the time required by law, and if any of them are made after the certificate of election has been forwarded to the person who, according to the abstracts received, has the highest number of votes, the secretary of state, in the presence of the governor, or, if he is absent, in the presence of the auditor of state and attorney general, when such abstracts shall have been received, shall open them, and the governor shall certify such returns to the speaker of the house of representatives of the United States.

#### MEETING OF PRESIDENTIAL ELECTORS:

##### **Sec. 4785-160.**

SECTION 160. The secretary of state shall immediately upon the completion of the canvass, mail to each presidential elector so elected, a certificate of his election and shall notify him to attend at the state capitol at noon on the day designated by the congress of the United States a meeting of the electors for the purpose of discharging the duties enjoined on them by the constitution of the United States. The secretary of state, ten days prior to such meeting shall by letter remind each elector of the meeting to be held for casting the vote of the state for president and vice-president of the United States. Each elector shall give notice to the secretary of state before nine o'clock of that day whether or not he will be present at the appointed hour ready to perform his duties as an elector. If any elector is absent and fails to appear at twelve o'clock at the place appointed by the secretary of state, the electors present shall immediately proceed to elect by ballot in the presence of the governor and secretary of state, persons of the same political party to fill the vacancies. In case of a tie vote the governor shall determine the results by lot. The electors making such choice shall certify forthwith the names of the persons so chosen and the secretary of state shall immediately issue certificates of their election and shall notify them. They shall meet with the other electors and shall organize by electing one of their number as chairman and by designating the secretary of state as ex-officio secretary; and shall then and there discharge all the duties enjoined upon electors by the constitution and laws of the United States. Each elector shall receive ten dollars for each day's attendance in Columbus as such and mileage at the rate of ten cents per mile for the estimated distance by the usual route from his place of residence to Columbus. Such compensation and mileage shall be upon vouchers issued by the secretary of state, and shall be paid by the state treasurer out of the general fund.

#### ADOPTION OF VOTING MACHINES:

##### **Sec. 4785-161.**

SECTION 161. The board of elections in any county may adopt the voting machine or machines for use in any or all elections in the county or municipalities in the following manner and under the following restrictions:

a. The board, upon the filing of a petition signed by two per cent of the qualified electors of such county or any municipality thereof, shall submit to the electors at the next general election the question, "Shall the



voting machine be adopted in ——— county (or municipality)?” If the proposal is approved by a majority vote thereon then the board shall be authorized to purchase voting machines for use in all general and primary elections in such county or municipality in which the voting machine can be used. By the same proceedings the use of voting machines may be discontinued.

b. Before any such mechanical voting device is adopted in any county or municipality it shall be first approved by a commission of three competent mechanical engineers to be appointed by the board of county commissioners for that purpose, who shall be allowed such reasonable compensation for their services as shall be determined by the county commissioners. The board may provide for the experimental use of voting machines so approved at an election in five or more precincts in the county without formal adoption thereof, and its use at such election shall be valid for all purposes as if it had been lawfully adopted. When any such machine is formally adopted, a sufficient number shall be purchased or rented by the board so that all polling places shall be equipped with such voting machines for use in all elections; except that where the form of municipal ballot makes the use of the voting machine impracticable the board may dispense with its use in such municipal election.

c. Any voting machine so adopted shall be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting; it shall enable each elector to vote a straight party ticket; it shall provide facilities for voting for all candidates of as many political parties or organizations as may make nominations; it shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties; it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same office; it shall permit the voter to vote for or against any question he may have the right to vote on, but no other; it shall provide for the registering of the votes of at least eight hundred voters at any one election; if used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be constructed of such material that when properly cared for its utility will not be impaired by any of its parts becoming rusted or corroded; it may also be provided with one device for each party for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the name of that party and the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively.

d. After any such voting machine has been adopted and approved, the county commissioners or the proper municipal authorities shall provide the necessary funds, either by issuance of bonds or otherwise with which to purchase and provide for each polling place one or more



voting machines in complete working order, as directed by the board; and the board thereafter shall see that they are kept in repair, and shall have custody thereof when not in use at an election. If it shall be impracticable to supply each and every election precinct with a voting machine or voting machines at any election following such adoption, as many may be supplied as is practicable to procure, and the same may be used in such election precinct or precincts as the board may direct. The board shall furnish each voting place using such machines with the necessary ballots, captions, labels and instruction cards as shall be provided in the rules and regulations of the secretary of state governing elections.

e. At all elections whereat voting machines may be used, the arrangement of the polling room shall be the same as is now provided for by law, except as to voting shelves which shall be omitted. The exterior of the voting machine and every part of the polling room shall be in plain view of the election officers; the voting machine shall be placed at least one foot from every wall or partition of the polling room and at least three feet from any table whereat any of the election officers may be engaged or seated. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party challengers and witnesses when not in use by voters. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted. The election officer attending the machines shall inspect the face of the machine, after each voter has cast his vote, to see that the ballots on the face of the machine are in their proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons; a statement of which shall be made and signed by the election officers and shall be sent with the returns to the board.

f. Immediately upon the close of the polls, the precinct election officers shall lock and seal the voting machine against further voting and open the counter compartment in the presence of persons who may be lawfully present at that time, giving full view of the counters. The presiding judge, under the scrutiny of a judge of a different political party, shall then, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the result as shown by the counters, and shall then read the votes recorded for each office on the irregular ballots. He shall also, in the same manner, read and announce the vote on each constitutional amendment, proposition, or other question. As each vote is read and announced, it shall be recorded on two statements by the two clerks, and when completed shall be compared with the numbers on the counters of the machine. If found to be correct, the result shall be announced by the presiding judge and the statements, after being duly certified and sworn to, shall be filed as now provided by law for filing election returns. After the reading and announcing of the vote, and before the doors of the counter compartment of the voting machine shall be closed, ample opportunity shall be given to any person or persons lawfully present to compare the results so announced with the counters of the machine, and any necessary corrections shall then and there be made by



the precinct officials. No tally sheets or return blanks as required by law for use in election districts where paper ballots are used shall be furnished or used in election districts where voting machines are used, but in lieu thereof there shall be furnished two copies of a statement as required in the rules of the chief election officer to conform to the requirements of the voting machine or machines being used.

g. The election officers shall, as soon as the count is completed and fully ascertained, as by this act required, lock the counter compartment and it shall so remain for a period of thirty days, except it be ordered opened by a court of competent jurisdiction.

h. Whenever paper ballots of whatever description, which were found necessary by the board, have been voted, the election officers shall return all such ballots in a properly secured package endorsed "irregular ballots" and return and file such package with the original statement of the result of the election made by them. Said package shall be preserved for the same length of time as hereinbefore provided for other ballots, and it shall not be opened or its contents examined during that time except in case of recount or contest of election. At the end of said two years, said package may be opened and said ballots disposed of at the discretion of the official or body having charge thereof.

i. The keys of the machine shall be enclosed in an envelope to be supplied by the board on which shall be written the number of the machine and the district and precinct where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the board from whom the keys were received. The number on the seal and the number registered on the protective counter shall be written on the envelope containing the keys. All keys for voting machines shall be kept securely locked by the officials having them in charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine and all election officers or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place.

j. The board shall have power to combine, rearrange, and enlarge precincts in any county or municipality where voting machines are authorized and operated, but no such precinct shall exceed eight hundred voters.

k. The secretary of state shall provide the board, in any county adopting the voting machine, with rules, regulations and instructions regarding the examination, testing and use of the machine, the assignment of duties of booth officials, how to vote on the voting machine, how the vote shall be tallied and reported to the board, and such other rules, regulations and instructions as will be found necessary to insure the accurate registering, counting and canvassing of the votes as required by this act. Such rules and regulations shall comply, in so far as practicable, with the provisions of this act. All other provisions of this act, not inconsistent with the provisions relating to voting machines, shall apply in any county or municipality adopting the voting machine.

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## RECOUNT AND CONTEST

## RECOUNT REQUESTED:

**Sec. 4785-162.**

SECTION 162. Any candidate voted for at a primary or other election, or any group of five or more qualified electors voting at such election, by making an application in writing to the board of elections, shall be entitled to have the votes for any such candidate or other candidates for the same office or on any such issue recounted in any or all precincts upon the following terms and conditions. Such application must be made not later than the fifth day after the certificate of the official count has been made and by depositing with the application ten (\$10.00) dollars or a bond to be approved by the board to pay the actual cost of such recount but not to exceed ten (\$10.00) dollars per precinct, for each precinct in which the recount is desired. If the petitioner or petitioners succeed in establishing error sufficient to change results in any precinct by at least three per cent (3%) of the total vote cast for any such candidate or issue in such precinct, then the deposit for such precinct shall be refunded, otherwise it shall be paid into the general fund of the county. If sufficient error is established to change the result of the election, regardless of the error found in any precinct, then the deposit made for all precincts shall be refunded.

## NOTICE GIVEN:

**Sec. 4785-163.**

SECTION 163. Immediately upon the filing of such application and the deposit of the money or bond with the clerk of the board of elections to cover the cost of the recount, the clerk of the board shall give notice to all candidates for such office, or to the committee sponsoring or opposing any such issue or question, by delivering by registered mail to such candidate or to the chairman of such committee notice of the application for a recount; also stating the time and place for a recount to be had within ten days after filing of the petition. Such recount shall be made by the board of elections. Such notice shall in each instance be given at least five days before the date set for such recount. Such notice shall also be given to the applicant or applicants.

## RECOUNT PROCEDURE:

**Sec. 4785-164.**

SECTION 164. The board of elections shall proceed at the time and in the place designated to recount the ballots. All candidates for the office who shall be notified of such recount, the applicants and one representative of each committee on any question or issue involved in such recount and counsel for the applicants and for each of such committees and for each of such candidates, shall be permitted to witness the recount. The ballot boxes or packages of returns and other pertinent material from such precincts shall be opened in their presence and they shall be permitted, in the presence of one or more members of the board, to examine



the ballots. The recount shall then be made in their presence. After such recount has been completed the board shall make a full, complete and correct abstract in writing of the vote showing the full number of votes cast, the names of candidates and the number of votes cast for each, or the total number of votes cast for and against any such question or issue, as the case may be. If the application for a recount of the votes for a candidate or the vote on an issue is for a district larger than a county, then the boards of elections in each of the counties in which the recount was made shall transmit the revised abstracts to the board of elections in the most populous county in such district, or to the secretary of state, as the case may be, as is required herein for transmitting the abstract of the original count.

#### CERTIFICATE OF ELECTIONS:

##### **Sec. 4785-165.**

SECTION 165. If such recount shows sufficient error to change the result of the election in any county, then the board of elections shall correct its returns, and shall issue a certificate to the successful candidate or announce the results on the question or issue, as the case may be. If the results of a recount affect the election of a candidate or the vote on a question or issue in a district larger than a county, then the result shall be directly reported to the board of the most populous county, or the secretary of state, as the case may be, who shall declare the result and issue such certificate to such candidates or announce such results on an issue.

#### CONTEST OF ELECTION:

##### **Sec. 4785-166.**

SECTION 166. The nomination or election of any person to any public office or party position, or the approval or rejection of any issue or question, submitted to the voters, may be contested by qualified electors of the state, county or political subdivision, as the case may be, upon the terms and conditions as hereinafter provided. a. In the case of an office to be filled, or an issue to be determined, by the voters of the entire state, or for the offices of members of the congress of the United States, or for judicial offices higher than that of court of common pleas, or for an office to be filled, or an issue to be determined, by the voters of a district larger than a county, said contest shall be heard and determined by the chief justice, or a justice of the supreme court assigned for that purpose by the chief justice; except that in a contest for the office of chief justice of the supreme court, such contest shall be heard by a justice of such court designated by the governor. b. In the case of all other offices or issues, except judicial offices, such contests shall be heard and determined by a judge of the court of common pleas of the county in which the contest arose. In the case of a contest for a judicial office within a county such contest shall be heard by the court of appeals of the district in which such county is located. If any contestant shall allege prejudice on the part of the judges of the court of appeals or common pleas, assigned by law to hear such appeal, then the chief justice of the supreme court, upon application of any such contestants and for good cause shown, may assign a judge or judges from another court to hear such contest.



**FILING CONTEST PETITION:****Sec. 4785-167.**

SECTION 167. Such a contest shall be commenced by the filing of a petition therefor with the clerk of the appropriate court signed by at least twenty-five voters who voted at the last election for or against a candidate for the office or for or against the issue being contested, or by the defeated candidate for said nomination or election, within fifteen days after the results of any such nomination or election have been ascertained and announced by the proper authority; or if there be a recount, within ten days after the results of the recount of such nomination or election have been ascertained and announced by the proper authority. Such petition shall be verified by the oath of at least two such petitioners, or by the oath of the defeated candidate filing the same, as the case may be, and shall set forth the grounds for such contest. Said petition shall be accompanied by a bond with surety to be approved by the clerk of the appropriate court in a sum sufficient, as determined by him, to pay all the costs of the contest. The contestor and the person whose right to the nomination or election to such office is being contested, to be known as the contestee, shall be liable to the officers and witnesses for the costs made by them respectively; but if the results of the nomination or election be confirmed or the petition be dismissed, or the prosecution fail, judgment shall be rendered against the contestor for the costs; and if the judgment be against the contestee or if the results of the nomination or election be set aside then the county shall pay the costs as other election expenses are paid.

**FIX TIME FOR TRIAL:****Sec. 4785-168.**

SECTION 168. The court shall fix a suitable time for hearing such contest, not less than fifteen nor more than thirty days after the filing of the petition; and shall cause a copy of the contestor's petition to be served upon the contestee, or upon the chairman of the committee taking the other side in advocacy of or opposition to any issue, as the case may be, in the same manner as a summons in a civil action. The contestee shall have ten days from the time service has been made upon him in which to answer the relation, and the contestor shall have five days in which to reply to the answer of the contestee. All parties may be represented by counsel and the hearing shall proceed at the time fixed, unless postponed by the judge or judges hearing the case for good cause shown by either party by affidavit; or unless the judge shall adjourn to such time, not more than thirty days thereafter, of which adjournment the parties interested shall take notice.

**TRIAL PROCEEDINGS:****Sec. 4785-169.**

SECTION 169. The proceedings shall be similar to those in judicial proceedings, in so far as practicable, and shall be under the control and direction of the court which shall hear and determine the matter without



a jury, with power to order or permit amendments to the petition or proceedings as to form or substance, and to allow adjournments for not more than thirty days, for the benefit of either party, on such terms as to costs and otherwise as shall seem reasonable to the court, the grounds for such adjournment being shown by affidavit. The hearing shall proceed expeditiously and the total of such adjournments shall not exceed thirty days after the date set for the original hearing.

#### WITNESSES AND EVIDENCE:

##### **Sec. 4785-170.**

SECTION 170. The said court shall have authority and power to summon and compel the attendance of witnesses, including officers of such election, and compel the production of all ballot boxes, lists, books, ballots, tally sheets and other records, papers and documents, which may be required at such hearing. The style and form of summons and subpoenas and the manner of service and the fees of officers and witnesses shall be the same as are provided by law in other cases, in so far as the nature of the proceedings admits. The court may require any election officer to answer any questions pertinent to the issue relating to the conduct of the election or the counting of the ballots and the making of the returns; and any witness who voted at the election may be required to answer touching his qualification as a voter and for whom he voted.

#### JUDGMENT OF COURT:

##### **Sec. 4785-171.**

SECTION 171. Upon completion of the trial the court shall pronounce judgment as to which of such candidates was duly nominated or elected, or whether such issue was duly approved or rejected by the voters; except that in the case of the contest of election of a member of the General Assembly such judgment shall not be pronounced by the court; but a transcript of all testimony taken and all evidence adduced in such contest shall be filed with the clerk of the branch of such legislative body to which the contestee was declared elected, which shall determine the election and qualification of its own members. Any person so declared nominated or elected by the court shall be entitled to his certificate of nomination or election. A certified copy of the order of such court shall constitute such certificate. If the judgment be against the contestee or incumbent and he has already received a certificate of nomination or election, the judgment of the court shall work a cancellation of such certificate. If the court find that no person was duly elected, the judgment shall be that the election be set aside.

#### APPEAL TO SUPREME COURT:

##### **Sec. 4785-172.**

SECTION 172. The person against whom the judgment is rendered may prosecute error by petition in error, within twenty days, to the supreme court of Ohio; but such error proceedings shall not supersede the execution of the judgment of the court. Such error proceedings shall



take precedence over all other causes upon the calendar, and shall be set down for hearing and determination at the earliest convenient date. The laws and rules of the court governing error proceedings shall apply in the error proceedings of contested election cases. If the judgment of the lower court be affirmed, the supreme court shall order the judgment of such lower court to be enforced, if the party against whom the judgment is rendered is in possession of the office.

#### TESTIMONY—SUPREME COURT:

##### **Sec. 4785-173.**

SECTION 173. In contests of election in the supreme court, all testimony shall be in the form of depositions. The contestor shall take and file his testimony within twenty days from the date of filing the petition, unless further time be allowed by the court or judge hearing the contest. The contestee, or the committee defending the issue, shall file his or its testimony within twenty days from the expiration of the contestor's time, unless such court or judge shall allow further time. The court may render such judgments and make such orders as the law and facts shall warrant, including judgment of ouster and induction, and the judgment of the supreme court shall be decisive of the contest.

#### CONTEST INVOLVING RECOUNT:

##### **Sec. 4785-174.**

SECTION 174. If any such contest involves a recount of the ballots in any or all precincts, the procedure shall be as follows: The court shall immediately order the ballots of the precinct or precincts in which the recount is demanded to be sent to the court by such manner as the court may designate, and such court may appoint two master commissioners of opposite political parties to supervise the making of the recount. The attorneys representing the contestor and the prosecuting attorney of the county or the attorney general or one of his assistants, as the case may be, representing the contestee, shall be present at all hearings on such recount. Such commissioners shall receive ten dollars each per day and their actual traveling expenses when approved by the presiding judges. The compensation of such clerks as are deemed necessary by the court shall be determined by the court on the basis of similar compensation in other public offices for like work. Both the contestor and contestee shall be entitled to appoint one inspector who shall be allowed to see all ballots and tally sheets and witness the recount. If the court shall find that the difference in the count from the original count by the election authorities was the result of fraud, gross negligence or wilfulness on the part of any election officer or other person, such court shall forthwith transmit a copy of its decision and of the evidence to the prosecuting attorney of the county wherein such fraud or gross negligence was found with directions to present the same to the next grand jury in the county; or to the attorney general in the case of state or federal offices, with directions to prosecute the cases on behalf of the state.



## INITIATIVE AND REFERENDUM

## NOTICE OF INTENTION TO CIRCULATE PETITIONS:

**Sec. 4785-175.**

SECTION 175. Whoever seeks to propose a law or constitutional amendment by initiative petition or to file a referendum petition against any law, section, or item in any law, shall file a duly verified copy of the proposed law, constitutional amendment or the law, section or items to be referred, together with a synopsis of the same with the secretary of state before circulating such petition, signed by one of the committee sponsoring such proposal and giving the names of at least ten of such committee. The secretary of state shall upon application forthwith designate a convenient size for the sheets of paper and size of type to be used in printing initiative, supplementary and referendum petitions provided for in article II, section 1a, and section 1g of the constitution, and the form and general order of arrangement of such petitions. Such designation shall be uniform with respect to all petitions to be voted on at the same election.

## FORM OF PETITION:

**Sec. 4785-176.**

SECTION 176. One hundred or more qualified electors of the state may, by a written petition signed by them, submit any proposed law or constitutional amendment to the attorney general for examination. If the attorney general finds such law or constitutional amendment correct as to form, he shall so certify and such certification shall be printed immediately, under the text of the law or constitutional amendment. Such electors may also submit to the attorney general a fair and impartial synopsis of such proposed law or amendment, and if such synopsis in the opinion of the attorney general is a fair and truthful summary of the contents and purposes of such proposed law or amendment he shall so certify. Such synopsis together with the attorney general's certification shall be printed in capital letters immediately following the notice heretofore provided. At the top of each part of such petition shall be the following:

REFERENDUM (OR INITIATIVE) PETITION  
INITIATING (OR REFERRING) CONSTITUTIONAL  
AMENDMENT (OR LAW)  
TITLE .....  
In capital letters of one line

## SYNOPSIS OF AMENDMENT (OR LAW)

If only the synopsis is printed at the top of the petition then the complete text shall be printed at the end of each petition paper or part of the petition. If the complete text is printed at the top of the petition, then it shall be so indicated and need not be printed at the end of each petition paper.



Immediately above the place for signature on each part of such petition shall be printed in red the following warning:

"NOTICE. Whoever knowingly signs this petition when not a qualified voter in the county, or not a registered voter in a registration precinct; or signs a name other than his own; or signs the petition more than once, is liable to prosecution."

At the bottom of each part of such petition shall be printed the following statement to which shall be appended the signature in person and the address of the solicitor of such signatures:

"In consideration of my services in soliciting signatures to this petition I have received or expect to receive from .....  
..... of ....."

(Address)

(Insert whatever of value has been or is expected to be received.)

State of Ohio }  
County of ..... }

....., being duly sworn deposes and says that he is the circulator of the foregoing petition paper containing ..... signatures, that the signatures appended hereto were made and appended in his presence and are the signatures of the persons whose names they purport to be.

Signed .....  
Circulator

Address .....

Subscribed and sworn to before me this ..... day of  
....., 19....

.....  
Notary Public

#### SIGNATURES TO PETITIONS:

##### Sec. 4785-177.

SECTION 177. Each signer of any such initiative or referendum petition must be a qualified elector of the county, and a registered voter if he resides in a registration city or precinct, in which such election is to be held, and must place on the petition in his own handwriting after his name, his place of residence including street and number (or if no street and number then his post office address) and the date of signing such petition. In case of state petitions all parts of petition from a county shall, insofar as practicable, be kept separate and filed together so that the quota of each county may be easily determined.

#### PETITIONS SENT TO COUNTY BOARDS:

##### Sec. 4785-178.

SECTION 178. Whenever any such petition shall have been filed with the secretary of state he shall forthwith separate the parts by counties and transmit such parts to the boards in the respective counties. The several boards shall proceed at once to ascertain whether or not such names

are on the registration lists of a registration city, or on the polling lists of such county, or are eligible to vote in such county, and to determine any repetition or duplication of signatures, the number of illegal signatures and the omission of any necessary details required by law. The board shall make note opposite such signatures, submit a report to the secretary of state indicating the sufficiency or insufficiency of such signatures; and notify the committee having charge of the soliciting of such signatures in case the petitions are found insufficient.

#### INSUFFICIENCY ESTABLISHED:

##### **Sec. 4785-179.**

SECTION 179. If the circulator of any such part of a petition or any elector or committee interested in such petition file with the board a protest against the board's findings, then the board shall proceed to establish the sufficiency or insufficiency of such signatures in an action before the court of common pleas in the county, which must be brought within three days after the protest has been filed, and the case shall be heard forthwith by a judge of such court whose decision shall be certified to the board. The signatures which are adjudged sufficient shall be included with the others by the board, and those found insufficient shall not be so included. The petition and signatures upon the parts of the petition, properly verified, together with the report of the board, shall be returned to the secretary of state not less than forty days before the election. The secretary of state shall use the number of signatures so certified from the several counties to determine the sufficiency of the petitions, and shall notify the chairman of the committee in charge of the circulation as to the sufficiency or insufficiency and the extent of the insufficiency. If the petition is found insufficient because of an insufficient number of valid signatures, such committee shall be allowed ten additional days after such notification by the secretary of state for the filing of additional signatures to such petition. The parts of the supplementary petitions upon receipt thereof by the secretary of state shall forthwith be forwarded to the boards of the several counties as in the case of the parts of the original petition, and shall be immediately examined and passed upon as to their validity and sufficiency by each of such boards and returned within five days to the secretary of state with the board's report. The number of signatures in both the original and supplementary petitions, so certified, shall be used by the secretary of state in determining the total number of signatures to the petition which he shall record and announce. If they are sufficient then such amendment, proposition, or issue shall be placed on the ballot as required by law. If the petition is found insufficient, the secretary of state shall so notify the committee in charge of the circulation of the petition.

#### COMMITTEE FOR PETITIONERS:

##### **Sec. 4785-180.**

SECTION 180. The petitioners shall designate in any initiative, referendum or supplementary petition and on each of the several parts of such petition a committee of not less than three nor more than five of their



number who shall represent them in all matters relating to such petitions. Notice of all matters or proceedings pertaining to such petitions may be served on said committee, or any of them, either personally or by registered mail, or by leaving the same at the usual place of residence of each of them.

#### BALLOT TITLE OF PROPOSITIONS OR ISSUES:

##### **Sec. 4785-181.**

SECTION 181. The order in which all propositions, issues, or questions including proposed laws and constitutional amendments shall appear on the ballot and also the ballot title of all such propositions, issues or questions shall, except as otherwise determined herein, be determined by the secretary of state in case of propositions to be voted upon in a district larger than a county, and by the board of elections in a county in the case of a proposition to be voted upon in a county or a political subdivision thereof. In preparing such a ballot title the secretary of state or the board, as the case may be, shall give a true and impartial statement of the measures and in such language that the ballot title shall not be likely to create prejudice for or against the measure. The person or committee promoting such measure may submit to the secretary of state or the board of elections, a suggested ballot title, which shall be given full consideration by the secretary of state or board, as the case may be, in determining the ballot title.

Except as otherwise provided by law, all propositions, issues or questions submitted to the electors and receiving an affirmative vote of a majority of the votes cast thereon shall be deemed to be approved.

#### VALIDITY OF PETITIONS:

##### **Sec. 4785-182.**

SECTION 182. No measure, submitted to the electors and receiving an affirmative majority of the votes cast thereon, shall be held ineffective or void on account of the insufficiency of the petitions by which such submission shall have been procured. The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor in the case of state, county or municipal referendum, at the last preceding election therefor.

#### INITIATIVE AND REFERENDUM IN MUNICIPALITIES:

##### **Sec. 4785-183.**

SECTION 183. In all municipal corporations which have not or may not provide by ordinance or charter for the manner of exercising the initiative and referendum powers reserved by the constitution to the people thereof, the duties required of the secretary of state by this act as to state legislation, shall be performed as to such municipal legislation by the clerk of the council. The provisions of this act shall apply in every municipality to the legislative acts of the council, unless otherwise provided for by the charter or legislative authority of such municipality.



CAMPAIGN EXPENDITURES  
LEGITIMATE EXPENSES:

**Sec. 4785-184.**

SECTION 184. No money or other things of value shall be paid, expended, contributed, loaned or promised by, on behalf of, or in opposition to any candidate for nomination or election in order to secure or aid in securing his election or defeat, except for the following purposes:

- a. For preparing, printing, and circulating nomination papers, or for payment of fees, except filing fees, in connection with the nomination or election of any candidate.
- b. For traveling expenses and personal expenses incident thereto.
- c. For postage, telephone, telegraph, radio, expressage or other public messenger service.
- d. For printing, stationery, advertising, and the distribution of printed matter relative to any such candidate.
- e. For rent, maintenance and furnishing of campaign headquarters, and places for public meetings.
- f. For paying the salaries and wages of clerks, stenographers and other persons actually employed in the campaign.
- g. For employing witnesses at the primaries and elections, and public speakers or musicians at public meetings.
- h. For copying and classifying poll lists, for investigating and challenging the right to vote of any person on the registration or polling lists.

The total amount expended by a candidate for election to a public office shall not exceed the amount herein specified: (a) a candidate for governor, the sum of five thousand dollars; (b) a candidate for other state elective offices the sum of two thousand five hundred dollars; (c) a candidate for office of representative in congress or presidential elector, judge of the court of appeals, the sum of two thousand dollars; (d) a candidate for the office of state senator, the sum of three hundred dollars in each county in his district; (e) a candidate for judge of common pleas, probate or insolvency court, the sum of five hundred dollars; (f) a candidate for the office of state representative the sum of three hundred and fifty dollars; (g) a candidate for any other public office to be voted for by the qualified electors of a county, city, township or village, or any part thereof, if the total number of votes cast therein for governor at such last preceding state election be five thousand or less, the sum of three hundred dollars; (h) if the total number of votes cast therein at such last preceding election be in excess of five thousand, the sum of five dollars for each one hundred in excess of such number may be added to the amount above specified. The amount which may be spent by any candidate at or before any primary election may be equal to, but shall not exceed the amount which is permitted by law to be expended for the general election. Any candidate for a public office who shall expend for the purpose above mentioned an amount in excess of the amounts herein specified shall be guilty of a corrupt practice.



**SOLICITATIONS FORBIDDEN:****Sec. 4785-185.**

SECTION 185. No person or committee shall solicit, ask, invite or demand, directly or indirectly, orally or in writing, any contribution, subscription or payment from any candidate for nomination or election, or from any campaign committee of any such candidate; nor shall any person solicit, ask, invite or demand that any such candidate or campaign committee subscribe to the support of any club or organization, or buy tickets to any entertainment, ball, supper, or other meeting, or pay for space in any book, program or publication; provided, however, that this shall not apply to regular advertisements in periodicals having an established circulation or to regular payments to civic, political, fraternal, social, charitable or religious organizations of which the candidate was a member or contributor six months before his candidacy; provided further that this shall not apply to the regular party assessments made by a party against its own candidates.

**STATEMENT OF EXPENDITURES:****Sec. 4785-186.**

SECTION 186. Every candidate and campaign committee, and every person, committee, association or group of persons incorporated or unincorporated who may have contributed, promised to contribute, received or expended, directly or indirectly, any money or things of value in connection with the nomination or election of any candidate at any election held in this state shall, within ten days after such election, file as hereinafter provided a full, true, and itemized statement subscribed and sworn to before an officer authorized to administer oaths, setting forth in detail the moneys or things of value so contributed, promised, received or expended, and the names of the persons from whom received and to whom paid and the object or purpose for which expended; but individuals, other than candidates or committees, making only contributions, the receipt of which must be accounted for by others, need not file such statement. The statement shall also set forth the unpaid debts or obligations, if any, of such candidates, persons, committees, associations and groups, incurred in connection with any such election, and shall specify the balance in the hands of the accounting person, committee, association or candidates, and the disposition intended to be made thereof. The form for such statements shall be prepared by the secretary of state and furnished to the boards in the several counties, which shall supply them without charge. Any individual other than a candidate who has expended any money or thing of value for or on behalf of any candidate, campaign or other committee or association may, instead of filing a separate statement as provided in this section, attach it to and be a part of the statement to be filed by the candidate, campaign committee or association. If the money or thing of value was received from a candidate, campaign committee or association to be spent for or against any candidate, an account stating in detail when, where, to whom and for what purpose and in what sums such amounts were expended shall be attached to and form a part of the statement to be filed by a candidate, committee or associa-



tion as herein required. Every such committee, association, or group of persons shall appoint a treasurer who shall keep a strict account of all such monies, from whom received, and the purposes for which they were disbursed. Every payment, in excess of ten dollars, required to be so accounted for shall be vouched for by a receipted bill stating the purpose of the expenditures which shall be filed with the statement of expenditures. All such statements shall be open to public inspection in the office where they are filed and shall be carefully preserved for a period of at least two years.

#### WHERE STATEMENTS ARE FILED:

##### **Sec. 4785-187.**

SECTION 187. The statements of receipts and expenditures herein required to be filed, if they relate to the election of candidates for office to be filled by the electors of the entire state or any division or district thereof greater than a county shall be filed in the office of the secretary of state. In all other cases, such statements shall be filed with the board of elections of the county in which such election is held. Upon the failure of any person or committee to file a statement within ten days after the election, or if any statement filed discloses any violation of any provisions of this act, the secretary of state or the board of elections, as the case may be, shall forthwith notify the attorney general or the prosecuting attorney of the county, as the case may be, who shall, in the name of the people of the state or the county, forthwith institute such civil or criminal proceedings as may be appropriate. No certificate of election shall be issued to any person required by this act to file a statement until such statement shall have been so filed and has been found to comply with the provisions of this act; and no such person shall enter upon the duties of the office to which he may be elected until the provisions of this act in respect to such statement have been entirely complied with.

#### EXPENDITURES ON ISSUES:

##### **Sec. 4785-188.**

SECTION 188. The provisions of this act relating to the contributions, receipts and expenditures of money or other things of value in elections in the case of candidates, the filing of statements relative thereto, and the violations of any such provisions, shall, wherever applicable, apply with equal force and in all details to the contributions, receipts, expenditures and obligations incurred by persons, committees and associations in advocacy of or in opposition to the adoption of any proposition or issue submitted to the voters. The circulator or his agent, and the committee in charge, of an initiative or referendum petition, or a supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, ordinance, section or item of any law or ordinance shall within twenty days after such petition papers shall be filed, file with the secretary of state, or with the board of elections in the county, as the case may be, a sworn itemized statement showing in detail:



- a. All money or things of value paid, given or promised for circulating such petition.
- b. All appointments, promotions or increases in salary, in positions which were given or promised, or to obtain which assistance was given or promised as a consideration for work done in circulating petitions.
- c. Full names and addresses of all persons to whom such payments or promises were made.
- d. Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions.
- e. Time spent and salaries earned while soliciting signatures to petitions by persons who were regular salaried employes of some person or whom said employer authorized to solicit as part of their regular duties.

If no money or things of value were paid, or if no promises were made or received as a consideration for work done in circulating such petition, the sworn statement shall contain a statement to that effect. After the election on such issue the persons or committees in charge of the campaign for and the persons or committees in charge of the campaign against such issues, shall file within ten days a full statement of all expenditures as is required herein of candidates and committees.

#### **FALSE STATEMENTS:**

##### **Sec. 4785-189.**

**SECTION 189.** Upon presentation to the court of common pleas or any judge thereof, of a certified petition setting forth any failure to comply with, or any violation of the provisions of this act relating to such statements, or of any falsification of any such statement, and upon the giving of security as herein provided, such judge shall proceed to a summary investigation of the charges made in the petition. At the time of presenting such petition the petitioner or petitioners shall file with the clerk of the courts an undertaking in the sum of two hundred and fifty dollars with sureties to be approved by the court or judge thereof conditioned to pay such costs in such proceedings as may be adjudged against such petitioners. The proceedings upon, and the investigation of, the charges set forth in the petition shall take precedence over all other actions or proceedings in said court or before said judge; and in case of appeals in the court of appeals or supreme court. If the judge shall find the statements as filed to be false or any willful intent to violate or defeat the provisions of this act, he shall forthwith transmit a copy of his decision and of the evidence to the prosecuting attorney of the county wherein such statements should be filed, and to the attorney general if such statement should be filed with the secretary of state, with directions to such prosecuting attorney to present the same to the next grand jury in the county or with directions to the attorney general to prosecute the case on behalf of the state. Any candidate nominated or elected to an office found guilty of violating the provisions of this act relating to expenditures for campaign purposes shall thereby forfeit his nomination or his election to such office. A candidate nominated or elected to an office whose nomination or election thereto has been annulled and set aside by reason of any offense specified



in this act shall not, during the period fixed by law occupy or perform the duties of such office or be appointed to fill any vacancy in such office. The board of elections or the secretary of state may summon any candidate or other persons filing such statements and question them under oath relative to the correctness or falsity of any such statement.

## OFFENSES AND PENALTIES

### BRIBERY—PENALTY:

#### **Sec. 4785-190.**

SECTION 190. Whoever, before, during, or after any primary, convention or election, gives, lends, offers or procures, or promises to give, lend, offer or procure, any money, office, position, place or employment, influence or any other valuable consideration to or for a delegate, elector or other person; or attempts by intimidation, coercion or other unlawful means, to induce such delegate or elector to register or refrain from registering, to vote or refrain from voting at a primary, convention or election for a particular person, question or issue; or advances, pays or causes to be paid, or procures or offers to procure, money or other valuable thing to or for the use of another, with the intent that it or part thereof shall be used to induce such person to vote or to refrain from voting, shall be guilty of bribery, and shall, upon conviction thereof, be fined not more than one thousand dollars, or imprisoned in the penitentiary not more than three years, or both; and if he be a candidate he shall forfeit the nomination he received, or if elected to any office he shall forfeit the office to which he was elected at the election with reference to which such offense was committed.

### INFLUENCING ELECTORS — PENALTIES:

#### **Sec. 4785-191.**

SECTION 191. Whoever, before, during, or after any primary, convention or election, solicits, requests, demands, receives or contracts for any money, gift, loan, property, influence, position, employment or other thing of value, for himself or another, for registering or refraining from registering, or agreeing to register or to refrain from registering, or for agreeing to vote or refraining from voting; or voting or refraining from voting at any primary, convention or election for a particular person, question or issue; or on account of such elector having registered or voted, or refrained from registering or voting, or voted or refrained from voting for a particular person, question or issue; shall be guilty of bribery, and upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars, or imprisoned not more than one year, or both, and be excluded from the right of suffrage and holding any public office for five years next succeeding such conviction.



PROHIBITION ON CORPORATIONS:

**Sec. 4785-192.**

SECTION 192. Any corporation engaged in business in this state which directly or indirectly pays, uses, offers, advises, consents or agrees to pay or use the corporation's money or property for or in aid of a political party, committee or organization, or for or in aid of a candidate for political office, or for a nomination thereto; or uses such money or property for any other partisan political purpose, or violates any of the provisions of the law requiring the filing of an affidavit respecting such use of such funds; shall, upon conviction thereof, be fined not less than five hundred nor more than five thousand dollars. Whoever, being an officer, stockholder, attorney or agent of such corporation violates this section, participates in, aids or advises such violation or solicits or knowingly receives money or other property in violation of such section, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

PAYING FOR VOTES:

**Sec. 4785-193.**

SECTION 193. Whoever, directly or indirectly, by himself or through any other person, in connection with any election, pays, lends or contributes or offers or promises to pay, lend or contribute any money or other valuable consideration in the election or defeat of any candidate or the adoption or defeat of any question or issue, for any purposes other than those enumerated in this act shall be guilty of corrupt practices and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

EMPLOYERS' INFLUENCE:

**Sec. 4785-194.**

SECTION 194. Any person being an employer, or the agent of an employer, or a corporation, who prints or authorizes to be printed, upon any pay envelopes any statements intended or calculated to influence the political action of his employees; or posts or exhibits in the establishment or anywhere in or about the establishment any posters, placards or hand bills, containing any threat, notice or information that if any particular candidate is elected or defeated, work in the establishment will cease in whole or in part, or other threats expressed or implied, intended to influence the political opinions or votes of his employees, shall be guilty of corrupt practices, and upon conviction shall be punished by a fine of not less than five hundred and not more than one thousand dollars.

EMPLOYERS' INTERFERENCE:

**Sec. 4785-195.**

SECTION 195. Whoever, being an employer, his officer or agent, discharges or threatens to discharge an elector because he took a reasonable amount of time to vote on an election day; or requires or orders an

elector to accompany him to a voting place upon such day; or refuses to permit such elector to serve as an election official on any registration or election day; or indirectly uses any force or restraint or threatens to inflict any injury, harm or loss; or in any other manner practices intimidation in order to induce or compel such person to vote or refrain from voting for or against any person or question or issue submitted to the voters, shall upon conviction thereof be fined not less than fifty and not more than five hundred dollars.

#### ILLEGAL EXPENDITURES:

##### **Sec. 4785-196.**

SECTION 196. Whoever violates the provisions of this act relating to expenditures in a primary or election by expending a sum in excess of the amount allowed by law, shall be guilty of corrupt practices, and upon conviction thereof shall be fined not less than one hundred and not more than five hundred dollars, or imprisoned in the county jail not to exceed six months, or both; and if he shall have been nominated or elected to office, he shall in addition thereto have forfeited such nomination or such office.

#### NEWSPAPER PUBLICATIONS:

##### **Sec. 4785-197.**

SECTION 197. Any person being the owner, editor, writer or employee of any newspaper, magazine, or other publication of any description, whether published regularly or irregularly, who uses the columns of any such publication for the printing of any threats, direct or implied, in the columns of any such publication for the purpose of controlling or intimidating candidates for public office; or who directly or indirectly solicits, receives or accepts any payment, promise or compensation for influencing or attempting to influence votes through any printing matter, except through matter inserted in such publication as "paid advertisement" and so designated, shall be guilty of corrupt practice and upon conviction therefor shall be punished by a fine of not less than five hundred and not more than one thousand dollars for each offense.

#### NAMES ON PUBLICATIONS:

##### **Sec. 4785-198.**

SECTION 198. Whoever writes, prints, posts or distributes or causes to be written, printed, posted or distributed, a notice, placard, dodger, advertisement or any other form of publication which is designed to promote the nomination or election or defeat of such candidate, or the adoption or defeat of any issue, or to influence the voters in any election, unless there appears on such form of publication in a conspicuous place, either the names of the chairman or secretary of the organization issuing the same, or some voter who is responsible therefor with his name and address, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred and not more than one thousand dollars.



**REPLY TO PRINTED CHARGES:****Sec. 4785-199.**

SECTION 199. If any person, firm or corporation at any time prints, publishes or circulates in a publication any matter pertaining to or relating to any candidate for public office and said candidate desires to reply to the same, said person, firm or corporation shall, without charge, print and publish said reply in the next issue after demand therefor has been made in the same portion of the paper in which said article to which said reply is made was printed, which reply shall be printed in like type and in the same color ink as said original article was printed and shall be given like space in the newspaper. If any such person, firm or corporation neglects, fails or refuses to so print and publish said reply, such person, firm or corporation and their agents and employees shall be guilty of corrupt practices, and upon conviction thereof in the county in which such original article was printed, published or circulated shall be fined not less than five hundred and not more than one thousand dollars for each offense.

**DEMANDING PLEDGES:****Sec. 4785-200.**

SECTION 200. If any person, firm or corporation demands of any candidate for the general assembly any pledge concerning his vote on any legislation, question or proposition that may come before the general assembly such person, firm or corporation shall be guilty of corrupt practice and upon conviction thereof shall be fined not less than five hundred and not more than one thousand dollars for each and every offense; provided that this shall not be understood to prohibit a reasonable inquiry as to such candidate's views on such question or legislation.

**FALSE REGISTRATION:****Sec. 4785-201.**

SECTION 201. Whoever knowingly registers, or makes application, or attempts to register in a precinct in which he is not a qualified voter; or whoever knowingly aids or abets any such person so to register; or attempts to register or knowingly induces or attempts to induce such person to so register; or whoever fraudulently impersonates another or writes or assumes the name of another, real or fictitious, in registering or attempting to register; or whoever by false statement or other unlawful means procures, aids or attempts to procure the erasure or striking out on the register or duplicate list the name of a qualified elector therein; or whoever fraudulently induces or attempts to induce a registrar or other election authority to refuse registration in a precinct to an elector thereof, or whoever wilfully or corruptly swears, or affirms falsely upon a lawful examination by or before any registrar or registering officer as provided by law; or whoever makes, prints or issues any false or counterfeit certificate of registration or fraudulently alters any certificate of registration shall upon conviction thereof be fined not less than fifty nor



more than one thousand dollars, or be imprisoned in the penitentiary not less than one nor more than three years, or both.

#### ILLEGAL VOTING:

##### **Sec. 4785-202.**

SECTION 202. Whoever votes or attempts to vote in any primary, special or general election in a precinct in which he is not a legally qualified voter; or votes or attempts to vote more than once at the same election; or impersonates or signs the name of another person, real or fictitious, living or dead, and votes or attempts to vote as such person in any such election; or whoever votes or attempts to vote at any primary the ballot of a political party with which he has not been affiliated, as required by law, or with which he did not vote at the last election; or casts a ballot at any such election after objection has been made and sustained to his vote; or knowingly votes or attempts to vote a ballot other than the official ballot; shall, upon conviction thereof, be fined not less than fifty nor more than one thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five years, or both.

#### FALSELY SIGNING PETITIONS:

##### **Sec. 4785-203.**

SECTION 203. Whoever signs an initiative, supplementary, referendum, recall or nominating petition, knowing that he is not at the time qualified to sign the same; or knowingly signs such petition more than once, or signs a name other than his own, or accepts anything of value for signing such petition, or seeks by intimidation or threats to influence any person to sign or refrain from signing such petition, or from circulating or abstaining from circulating such petition, or signs a nominating petition for a candidate of a party with which he is not affiliated, as required by law; or makes a false affidavit concerning the signatures on any such petition, shall, upon conviction thereof, be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than three months nor more than six months, or both. The signature of the circulator, together with the seal and signature of the notary on an affidavit attached to any petition shall be prima facie evidence that such circulator took oath before such notary as to the genuineness of the signatures attached to any such petition.

#### MISREPRESENTING CONTENTS OF PETITION:

##### **Sec. 4785-204.**

SECTION 204. Whoever knowingly, directly or indirectly, misrepresents the contents, purport or effect of any initiative, supplementary, referendum, recall or nominating petition, for the purpose of persuading any person to sign or refrain from signing such petition; or pays or offers to pay anything of value for signing or refraining from signing such petition; or promises to assist any person to obtain appointment to any office or position as a consideration for obtaining or preventing signatures to any such petition; or obtains or prevents signatures to any



such petition as a consideration for the assistance or promise of assistance of any person in securing appointment to any office or position; or circulates or causes to be circulated, any such petition knowing the same to contain false, forged, or fictitious names, or alters, adds or erases any signatures or names excepting his own, on any such petition; or makes a false certification or affidavit concerning any such petition; or files with the election authorities any such petition knowing it to contain false, forged or fictitious names; or fails to fill out truthfully and file all itemized statements required by law in connection with such petition, shall, upon conviction thereof, be fined not less than one hundred dollars and not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both.

#### DESTROYING OR MUTILATING PETITIONS:

##### **Sec. 4785-205.**

SECTION 205. Whoever purchases, steals or attempts to steal, sells or attempts to sell, or wilfully destroys or mutilates any initiative, supplementary, referendum, recall or nominating petition, or any part thereof, which is being or has been lawfully circulated, shall, upon conviction thereof, be fined not less than one hundred and not more than five hundred dollars, or be imprisoned in the penitentiary not more than five years. The words "purchases" and "sells" shall not be construed to apply to persons paying or receiving pay for soliciting signatures to or circulating a petition, or petition paper.

#### MISCONDUCT OF BOARD MEMBERS OR EMPLOYES:

##### **Sec. 4785-206.**

SECTION 206. Whoever, being a member, clerk or employe of a board of elections, wilfully or negligently violates or neglects to perform any duty imposed upon him by law, or wilfully performs or neglects to perform it in such a way as to hinder the objects of the law, or wilfully disobeys any law incumbent upon him so to do; or wilfully or knowingly reports as genuine a false or fraudulent signature on a petition or registration form, or wilfully or knowingly reports as false or fraudulent any such genuine signature; or wilfully adds to or subtracts from, the votes actually cast at an election in any official returns, or adds to or takes away or attempts to add to or take away any ballot from those legally polled at such election; or carries away or destroys, or mutilates any registration cards or forms, poll books or other records of any election; or acts as an election official in any capacity in an election, except as herein specifically authorized, in his official capacity; or in any other way wilfully and knowingly, or unlawfully violates or seeks to prevent the enforcement of any other provisions of the election laws; shall, upon conviction thereof, be dismissed from his position as a member or employe of the board, and be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than one year, nor more than five years, or both.



**JUDGES AND CLERKS:****Sec. 4785-207.**

SECTION 207. Whoever, being lawfully appointed as registrar, judge or clerk of elections, fails to appear before the board or its representative after notice has been served personally upon him or left at his usual place of residence, for examination as to his qualifications; or fails to appear at the polling place to which he is assigned at the hour and during the hours set for the registration or election; or refuses, neglects or fails to take the oath prescribed by law, unless excused by such board; or refuses or sanctions the refusal of another registrar or judge of elections to administer an oath required by law; or fails to send notice to the board of the appointment of a judge or clerk to fill a vacancy; or acts as registrar, judge or clerk without having been duly appointed and having received a certificate of appointment, except a judge or clerk appointed to fill a vacancy caused by absence or removal; or in any other way neglects or fails to perform any duty imposed by law; shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars, or imprisoned in the county jail not more than fifteen days, or both.

**REGISTRARS—MISCONDUCT:****Sec. 4785-208.**

SECTION 208. Whoever, being a registrar of electors or a police officer, refuses, neglects or unnecessarily delays, hinders or prevents the registration of a qualified voter, who in a lawful manner applies for registration; or enters or consents to the entry of a fictitious name or names for registration; or alters the name or removes or destroys the registration card or form of any duly qualified voter; or wilfully neglects or corruptly executes, or fails to execute any duty enjoined upon him as a registrar by law; shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not more than one year, or both.

**PROCEDURE IN BOOTH:****Sec. 4785-209.**

SECTION 209. Whoever, being a judge or clerk of elections, unlawfully opens or permits to be opened the sealed package containing registration lists, ballots, blanks, poll books, and other papers and material to be used in the election; or unlawfully misplaces, carries away, negligently loses or permits to be taken from him, fails to deliver, or destroys any such packages, papers or material; or knowingly receives or sanctions the reception of a ballot from a person not a qualified elector or from a person who refused to answer a question in accordance with the election law; or refuses to receive or sanctions the rejection of a ballot from a person, knowing him to be a qualified elector; or knowingly permits a fraudulent ballot to be placed in the ballot box; or places or permits to be placed in any ballot box any ballot known by him to be improperly or fraudulently marked; or knowingly counts or permits to



be counted any illegal or fraudulent ballot; or misleads an elector who is physically unable to prepare his ballot; or marks a ballot for such elector otherwise than as directed by him; or discloses to any person, except when legally required so to do, how such elector voted; or when counting the ballots alters or marks or permits any alteration or marking on any ballot; or wrongfully counts or tallies or sanctions the wrongful counting or tallying of votes; or after the counting of votes commences, as required by law, postpones or sanctions the postponement of the counting of votes, adjourns at any time or to any place, or removes the ballot box from the place of voting, or from the custody or presence of all the judges and clerks of such elections; or permits any ballot to remain or to be in the ballot box at the opening of the polls, or to be put therein during the counting of the ballots, or to be left therein without being counted; or admits or sanctions the admission to the polling room at an election during the receiving, counting and certifying of votes, of any person not qualified by law to be so admitted; or refuses to admit or sanctions the refusal to admit any person, upon lawful request therefor, who is legally qualified to be present; or permits or sanctions the counting of the ballots contrary to the manner prescribed by law; or wilfully neglects or corruptly executes any duty enjoined upon him by law, upon conviction thereof, shall be fined not less than one hundred and not more than five hundred dollars, or imprisoned in the county jail not less than three nor more than six months, or both.

#### SECRET BALLOT:

##### Sec. 4785-210.

SECTION 210. Whoever attempts to induce an elector to show how he marked his ballot at an election; or, being an elector, allows his ballot to be seen by another, except as provided by law, with the apparent intention of letting it be known how he is about to vote; or makes a false statement as to his ability to mark his ballot; or purposely marks his ballot so it may be identified after it has been cast; or whoever attempts to interfere with an elector in the voting booth when marking his ballot; or wilfully destroys or mutilates a lawful ballot; or removes from the polling place or is found in unlawful possession of a lawful ballot outside the enclosure provided for voting; or wilfully hinders or delays the delivery of a lawful ballot to a person entitled to receive it; or gives to an elector a ballot printed or written contrary to the provisions of law; or forges or falsely makes an official endorsement on a ballot; shall, upon conviction thereof, be fined not less than twenty-five nor more than five hundred dollars, or imprisoned in the county jail not more than six months, or both.

#### ABSENT VOTER'S BALLOT:

##### Sec. 4785-211.

SECTION 211. Whoever impersonates another, or makes a false representation in order to obtain an absent voter's ballot; or knowingly connives to help a person to vote an absent voter's ballot illegally; or being an election official opens, destroys, steals, marks or mutilates any absent



voter's ballot; or abets another to do so after the ballot has been voted; or delays the delivery of any such ballot with a view to preventing its arrival in time to be counted; or hinders or attempts to hinder the delivery or counting of such absent voter's ballot, shall be guilty of a felony and shall upon conviction be fined not less than one hundred nor more than one thousand dollars, or be imprisoned in the penitentiary for not less than one nor more than three years, or both.

#### PRINTING OF BALLOTS:

##### **Sec. 4785-212.**

SECTION 212. Whoever, being employed to print or is engaged in printing the official ballots, prints or causes or permits to be printed an official ballot other than according to the copy furnished him by the board or a false or fraudulent ballot; or prints or permits to be printed more ballots than are delivered to the board; or appropriates, gives, delivers, or knowingly permits to be taken away any of such ballots by a person other than the person authorized by law so to do; prints such ballots on paper other than that provided in the contract with the board; or wilfully seals up or causes or permits to be sealed up in packages, or delivers to the board a less number of ballots than the number endorsed thereon; shall, upon conviction thereof, be fined not less than two hundred nor more than one thousand dollars, or imprisoned in the county jail not more than six months, or both.

#### CUSTODY OF BALLOTS AND PAPERS:

##### **Sec. 4785-213.**

SECTION 213. Whoever, being a printer or other person entrusted with the printing or custody or delivery of registration cards or forms, ballots, blanks, poll books, cards of instructions or other required papers, unlawfully opens or permits to be opened, a sealed package containing ballots or other printed forms; or gives or delivers to another not lawfully entitled thereto, or unlawfully misplaces or carries away, or negligently loses or permits to be taken from him or fails to deliver, or destroys any such forms or packages of ballots, or a ballot, poll books, cards of instruction or other required paper, shall, upon conviction thereof, be fined not less than one hundred dollars or imprisoned in the county jail not more than one year, or both.

#### INTIMIDATING ELECTION OFFICERS:

##### **Sec. 4785-214.**

SECTION 214. Whoever attempts to intimidate an election officer and to prevent him from performing the duties imposed upon him by law; or loiters in or about a voting place during registration or the casting and counting of ballots, so as to hinder, delay or interfere with the conduct of the registration or election; or unlawfully, by force, fraud, or other improper means, obtains or attempts to obtain possession of the ballots, ballot boxes, or poll books; or wilfully tears down, removes or destroys any of the registration lists, sample ballots, cards of instruction,



supplies or conveniences furnished by the board at the polling place; or removes from the voting shelves the pencils, cards of instruction or other conveniences furnished to enable the voter to mark his ballot; or unlawfully destroys any property used in the conduct of elections, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousands dollars, or imprisoned not less than one year nor more than five years, or both.

#### INDUCING ILLEGAL VOTING:

##### **Sec. 4785-215.**

SECTION 215. Whoever counsels or advises another to vote at an election, knowing that he is not a qualified voter; or advises, aids or assists another person to go or come into a precinct for the purpose of voting therein, knowing that such person is not qualified to vote therein; or counsels or advises or attempts to induce an election officer to permit a person to vote, knowing such person is not a qualified elector; shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than one nor more than six months, or both.

#### TAMPERING WITH BALLOTS:

##### **Sec. 4785-216.**

SECTION 216. Whoever fraudulently puts a ballot or ticket into a ballot box; or knowingly and wilfully votes a ballot other than an official ballot lawfully obtained by him from the precinct election authorities; or fraudulently or deceitfully changes a ballot of an elector, by which such elector is prevented from voting for such candidates or on an issue as he intends to do; or marks a ballot of an elector or hands a marked ballot to him to vote, with intent to ascertain how he voted; or furnishes a ballot to an elector who cannot read, knowingly informing him that it contains a name different than which is printed or written thereon, to induce him to vote contrary to his intentions; or unduly delays or hinders an elector from applying for registration; or registering, or from attempting to vote or voting; or knowingly prints or distributes a ballot contrary to the provisions of law; shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, or imprisoned not less than three months nor more than three years, or both.

#### TAMPERING WITH VOTING MACHINES:

##### **Sec. 4785-217.**

SECTION 217. Any unauthorized person found in possession of any voting machine which may be owned or leased by any county or any of the parts thereof, or the keys thereof; and any person who shall tamper or attempt to tamper with, deface, impair the use of, destroy or otherwise injure in any manner any such voting machine; and any person who shall, after such machine is locked in order to preserve the record of any election registered by the same, tamper or attempt to tamper with any such voting machine, shall be guilty of a misdemeanor, punishable with a



fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not to exceed three years, or both.

**FAILURE TO ASSIST:**

**Sec. 4785-218.**

SECTION 218. Whoever, being an officer of the law, fails to obey forthwith an order of the presiding judge and aid in enforcing a lawful order of the presiding judges at an election, against persons unlawfully congregating or loitering within one hundred feet of a polling place, or hindering or delaying an elector from reaching or leaving the polling place, or soliciting or attempting within one hundred feet of the polling place to influence an elector in casting his vote, or interfering with the registration of voters or casting and counting of the ballots; shall upon conviction thereof, be fined not less than fifty nor more than one thousand dollars, or imprisoned in the county jail not more than thirty days, or both.

**FALSE SIGNATURES:**

**Sec. 4785-219.**

SECTION 219. Whoever, with intent to defraud or deceive, writes or signs the name of another person to any document, petition, registration card or other book or record, authorized or required by the laws relating to elections, shall, upon conviction thereof be fined not less than one hundred and not more than one thousand dollars, or imprisoned in the penitentiary not less than one year nor more than three years, or both.

**POSSESSION OF FALSE RECORDS:**

**Sec. 4785-220.**

SECTION 220. Whoever has in his possession a falsely made, altered, forged or counterfeited registration card, form, or list, poll book, tally sheet, list of election returns of an election, knowing it to be such with intent to hinder, defeat or prevent a fair expression of the popular will at such election, shall be guilty of a felony and upon conviction thereof shall be fined not less than one hundred nor more than one thousand dollars or imprisoned in the penitentiary not less than one year nor more than three years, or both.

**CONGREGATING AT POLLS:**

**Sec. 4785-221.**

SECTION 221. Whoever, being one of two or more persons congregating, in or about a voting place during the receiving of ballots, so as to hinder or delay an elector in registering or casting his ballot, having been ordered by the registrar or judge of elections to disperse, refuses so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than three hundred dollars or imprisoned in the county jail not more than six months, or both.



**FAILURE TO ENFORCE LAW:**

**Sec. 4785-222.**

SECTION 222. Whoever, being an official upon whom a duty is imposed by an election law, wilfully disobeys such election laws, for which no specific penalty has otherwise been provided, shall upon conviction thereof be fined not less than fifty dollars nor more than one thousand dollars, or imprisoned in the county jail not more than one year, or both.

**FRAUDULENT WRITING ON POLL BOOKS:**

**Sec. 4785-223.**

SECTION 223. Whoever, from the time ballots are cast or counted until the time has expired for using them as evidence in a recount or contest of election, wilfully and with fraudulent intent, makes any mark or alteration on any ballot; or inscribes, writes or causes to be inscribed or written in or upon a registration form or list, a poll book, tally sheet or list, lawfully made or kept at an election, or in or upon a book or paper purporting to be such, or upon an election return, or upon a book or paper containing such return, the name of a person not entitled to vote at such election or not voting thereat, or a fictitious name, or, within such time, wrongfully changes, alters, erases or tampers with a name, word, or figure contained in such poll books, tally sheet, list book or paper; or falsifies, marks or writes thereon with intent to defeat, hinder or prevent a fair expression of the will of the people at such election shall, upon conviction thereof, be fined not less than one hundred and not more than one thousand dollars, or imprisoned in the penitentiary not less than one year nor more than three years, or both.

**DESTROYING RECORDS IN CONTEST CASES:**

**Sec. 4785-224.**

SECTION 224. Whoever, from the time ballots are cast or voted until the time has expired for using them in a recount or as evidence in a contest of election, unlawfully destroys or attempts to destroy the ballots, or permits to be destroyed any such ballots, or a ballot box or poll book used at an election, or destroys, falsifies, marks or writes in a name on any such ballot that has been voted shall be guilty of a felony and upon conviction thereof shall be fined not less than one hundred and not more than one thousand dollars, or imprisoned in the penitentiary not less than one year nor more than three years, or both.

**PARTY REPRESENTATIONS:**

**Sec. 4785-225.**

SECTION 225. Whoever, being a party committeeman or party delegate or alternate chosen at an election, or a delegate or alternate appointed to a convention provided by law, gives or issues a proxy or authority to another person to act or vote in his stead; or whoever knowingly or fraudulently attempts to impersonate, act or vote in his stead, or acts or votes in place of such committeemen or delegates shall, upon conviction



thereof, be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not more than sixty days, or both.

**FALSE AFFIDAVIT:**

**Sec. 4785-226.**

SECTION 226. Whoever, either orally or in writing, on oath lawfully administered, wilfully or corruptly states a falsehood as to a material matter relating to an election in a proceeding before a court, tribunal or officer created by law, or in a matter in relation to which an oath is authorized by law, including an oath taken by any person making an affidavit required for verifying or filing a nominating, initiative, supplementary, referendum, or recall petition, or petition paper, is guilty of perjury and shall upon conviction thereof be imprisoned in the penitentiary not less than one year nor more than ten years.

**REFUSAL TO TESTIFY:**

**Sec. 4785-227.**

SECTION 227. Whoever, having been duly subpoenaed or ordered to appear before a grand jury, court, board or officer in a proceeding or prosecution upon complaint, information, affidavit or indictment, for an offense under the election law, fails to do so; or having appeared, refuses to answer a question pertinent to the matter under inquiry or investigation; or refuses to produce, upon reasonable notice, any material, books, papers, documents or records in his possession or under his control shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars and imprisoned in the county jail not less than thirty days, nor more than six months.

**WEARING OF BADGE, SIGN, ETC.:**

**Sec. 4785-228.**

SECTION 228. Whoever, being a judge, clerk, witness or deputy sheriff, special deputy sheriff, police officer, or other election officer, while performing the duties of his office wears any badge, sign, or other insignia or thing indicating his preference for any candidate or for any question submitted, or influences or attempts to influence any voter to cast his ballot for or against any candidate or issue submitted at such election, shall, upon conviction thereof, be fined not less than fifty and not more than one hundred dollars and imprisoned in the county jail not less than thirty days nor more than six months.

**VIOLATING WITNESS SHALL TESTIFY:**

**Sec. 4785-229.**

SECTION 229. A person violating any provision of the election laws is a competent witness against another person so offending, and may be compelled to attend and testify at a trial, hearing, proceeding or investigation thereof. The testimony so given shall not be used in a prosecution of a person so testifying, nor shall such person thereafter be liable



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to indictment, prosecution or punishment for the offense with reference to which his testimony was so given, and he may plead or prove the giving of such testimony in bar of such indictment or prosecution.

#### SECOND OFFENSE:

##### **Sec. 4785-230.**

SECTION 230. Any person having once been convicted of a violation of any of the provisions of this act, who shall again be convicted of a violation of any of the provisions of this act, whether such conviction be for the same offense or not, shall on such second conviction be fined not less than five hundred and not more than one thousand dollars, or sentenced to imprisonment for a term not exceeding five years, or both such fine and imprisonment, and in addition shall be disfranchised.

#### PRIMA FACIE CASE OF FRAUD:

##### **Sec. 4785-231.**

SECTION 231. A violation of any of the provisions of this act shall constitute a prima facie case of fraud within the purview of this act.

#### PENALTIES NOT OTHERWISE PROVIDED:

##### **Sec. 4785-232.**

SECTION 232. Whoever shall be found guilty of violating any of the provisions of this act, unless otherwise provided herein, shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars or imprisoned in the county jail not less than ten days nor more than six months, or both. All prosecutions under this act must be commenced within one year after the commission of the act complained of.

#### CONSTITUTIONALITY OF PROVISIONS:

##### **Sec. 4785-233.**

SECTION 233. In case the courts shall hold invalid any of the provisions of this act it shall not be deemed to affect the validity or constitutionality of any other provisions of this act.

#### REPEAL OF SECTIONS:

##### **Repeals.**

SECTION 234. That original sections 4785 to 4828, inclusive; 4828-2, 4830 to 5175-29r, inclusive, 13250 to 13360, inclusive, of the General Code be, and the same are hereby repealed.



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WHEN ACT TAKES EFFECT:

**Sec. 4785-234.**

SECTION 235. This act shall become effective on the first day of January, 1930.

O. C. GRAY,  
*Speaker of the House of Representatives.*

JOHN T. BROWN,  
*President of the Senate.*

Passed April 5, 1929.

Approved April 19, 1929.

MYERS Y. COOPER,  
*Governor.*

The sectional numbers on the margin hereof are designated as provided by law.

GILBERT BETTMAN,  
*Attorney General.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the 24th day of April, A. D. 1929.

CLARENCE J. BROWN,  
*Secretary of State.*

File No. 102.

(Amended Senate Bill No. 6)

AN ACT

To revise the General Corporation Act by amending sections 8623-1, 8623-2, 8623-4, 8623-8, 8623-12, 8623-14, 8623-15, 8623-16, 8623-17, 8623-18, 8623-19, 8623-20, 8623-24, 8623-25, 8623-26, 8623-30, 8623-31, 8623-32, 8623-34, 8623-35, 8623-37, 8623-38, 8623-39, 8623-40, 8623-41, 8623-44, 8623-47, 8623-48, 8623-49, 8623-50, 8623-51, 8623-53, 8623-55, 8623-56, 8623-59, 8623-62, 8623-63, 8623-65, 8623-67, 8623-68, 8623-69, 8623-70, 8623-71, 8623-72, 8623-75, 8623-76, 8623-79, 8623-80, 8623-84, 8623-86, 8623-87, 8623-91, 8623-92, 8623-94, 8623-95, 8623-96, 8623-99, 8623-102, 8623-115, 8623-118, 8623-123, 8623-124, 8623-129, 8623-131, 8623-132 and 8623-136, enacting supplemental sections 8623-15a, 8623-30a, 8623-123a, 8623-123b and 8623-123c and repealing section 8623-138 of the General Code, relative to the organization and regulation of corporations.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 8623-1, 8623-2, 8623-4, 8623-8, 8623-12, 8623-14, 8623-15, 8623-16, 8623-17, 8623-18, 8623-19, 8623-20, 8623-24, 8623-25, 8623-26, 8623-30, 8623-31, 8623-32, 8623-34, 8623-35, 8623-37, 8623-38, 8623-39, 8623-40, 8623-41, 8623-44, 8623-47, 8623-48, 8623-49, 8623-50, 8623-51, 8623-53, 8623-55, 8623-56, 8623-59, 8623-62, 8623-63, 8623-65, 8623-67, 8623-68, 8623-69, 8623-70, 8623-71, 8623-72, 8623-75, 8623-76, 8623-79, 8623-80, 8623-84, 8623-86, 8623-87, 8623-91, 8623-92,